

U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File A 47 202 363

ALINA SHIPILINA,

IN REMOVAL PROCEEDINGS

Respondent

Transcript of Hearing



Before PAUL A. DEFONZO, Immigration Judge

Date: May 25, 2007

Place: New York, New York

Transcribed by DEPOSITION SERVICES, INC. at Rockville, Maryland

Official Interpreter:

Language:

Appearances:

For the Department of
Homeland Security:

For the Respondent:

Khalilah Taylor, Esquire

Jack Sachs, Esquire

1 JUDGE FOR THE RECORD

2 These are continued removal proceedings in New York
3 City, in the case of Alina Shipilina, A 47 202 363. The date is
4 May 25th, 2007, Immigration Judge Paul A. DeFonzo presiding. The
5 respondent is present in court today, with counsel, Jack Sachs,
6 Esquire. For the Service, Khalilah Taylor, Esquire, Assistant
7 Chief Counsel. We've been waiting the presentation of proof of
8 the respondent filing a waiver of the requirement to file a joint
9 petition.

10 JUDGE TO MR. SACHS

11 Q. Where do we stand, Mr. Sachs?

12 A. I'm sorry Judge, I wasn't given that information.

13 Q. Well --

14 A. About the waiver, otherwise, I certainly had
15 plenty of time to do that.

16 Q. The District Director issued a decision denying a
17 good faith waiver application. We were to decide if she was to
18 apply for a waiver based on hardship. If so, you were to give me
19 proof of filing, if not, you were to give me a duplicate original
20 or a copy of supporting documents so that I could then consider
21 the good faith waiver application. How are you seeking to
22 proceed?

23 A. Well Judge, I could file it Monday. I mean,
24 it's --

25 Q. Well what relief are you seeking?

1 A. The adjudication of the I-751.

2 Q. Well, the I-751 has previously been denied by the
3 District Director, is that correct?

4 A. Right, yes, Judge.

5 Q. So are you seeking to file a hardship waiver in
6 this case or not?

7 A. I guess, if that's what's necessary.

8 Q. I'm not asking.

9 A. No, no, no, yes, Judge.

10 Q. I want to know what your strategy is in this case.

11 I mean, you were here on this case in July of last year, it's now
12 May of 2007.

13 A. Yes, Judge.

14 Q. Are you giving me here a duplicate of her good
15 faith waiver application?

16 A. No, I haven't made it yet, Judge.

17 Q. From July of 2006? I'd like to know why.

18 A. Well, I don't know if I can get it, there isn't a
19 good reason, Judge, it wasn't done.

20 Q. Well what materials are you giving me today?

21 A. The materials concerning the relationship of what
22 happened with her. The hardship waiver can be filed, my
23 apologies to the Court, Judge, either later today or even Monday.

24 Q. Well I'm not waiting for that, I'm going to
25 consider that your right to submit that application has been

pmp

1 waived. So these materials that you're giving me today, are
2 these materials in support of the application for a good faith
3 relationship?

4 A. Yes, Judge.

5 Q. Are the parties divorced?

6 A. Yes, Judge. I believe there was a huge file and I
7 don't what's in the file here, but --

8 Q. Well I haven't had a chance to see nothing in this
9 file. Whatever you submitted --

10 A. The prior attorney --

11 Q. Or whatever was submitted to the Immigration
12 authorities, I do not have, that is, they have to be submitted to
13 me by someone. Is there an I-751 in this packet that you have
14 given me today?

15 A. Judge, all that stuff was in the original file,
16 Judge.

17 Q. Yes, but that has no bearing on what I am doing.
18 It is your responsibility to get me those materials, as you are
19 the one seeking the relief from removal. I can give you until 1
20 o'clock today to give me the I-751. If I do not get it, I will
21 be denying that application today.

22 A. Okay.

23 MS. TAYLOR TO JUDGE

24 Q. Is this going to be a hardship waiver?

25 A. I understand that it's supposed to be a good faith

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1 marriage waiver.

2 Q. I think that was denied initially. She initially
3 filed a good faith marriage.

4 A. Well that's fine, but she can then renew that
5 application before me.

6 Q. That's what I'm asking, is she renewing it or is
7 she going to file a new one based on a separate ground.

8 MR. SACHS TO JUDGE

9 Q. Well, she's renewing it before the Judge.

10 MS. TAYLOR TO JUDGE

11 Q. Okay.

12 JUDGE TO MR. SACHS

13 Q. All right, so I need the I-751. I was presented
14 with a packet today.

15 JUDGE TO MS. TAYLOR

16 Q. Do you have that, Ms. Taylor?

17 A. Yes, I do.

18 JUDGE FOR THE RECORD

19 That will be Group 3 for identification.

20 JUDGE TO MR. SACHS

21 Q. I'll put on you second call. Please come back by
22 1 o'clock with the I-571.

23 A. I will, Your Honor.

24 JUDGE FOR THE RECORD

25 Hearing is adjourned.

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1 (OFF THE RECORD)

2 (ON THE RECORD)

3 JUDGE FOR THE RECORD

4 Back on the record in the case of Alina Shipilina, A 47
5 202 363. It's still May 25th, 2007, counsel has returned with
6 the respondent. Ms. Taylor continues to be present.

7 JUDGE TO MR. SACHS

8 Q. What do you have there, Mr. Sachs?

9 A. Your Honor.

10 Q. Thank you. Presented with an I-751 and supporting
11 documents, including a receipt for an I-751.

12 JUDGE TO MS. TAYLOR

13 Q. Do you have those materials Ms. Taylor?

14 A. Yes, Your Honor.

15 JUDGE FOR THE RECORD

16 Group 4, for identification.

17 JUDGE TO MR. SACHS

18 Q. Are you ready to go do trial, Mr. Sachs?

19 A. Yes, Judge.

20 MS. TAYLOR TO JUDGE

21 Q. I have to stay with this, so a Monday, Tuesday or
22 a Thursday.

23 A. Is good?

24 Q. Is good.

25 A. All right.

1 JUDGE TO MR. SACHS

2 Q. How about January 8th at 3 o'clock. Is that a
3 good date for you?

4 A. Just one second Judge, it sounds good to me.

5 MS. TAYLOR TO JUDGE

6 Q. What day of the week is that?

7 A. That's a Tuesday.

8 Q. No, that's not good, I have another continued
9 case.

10 A. All right.

11 Q. Maybe the following Tuesday?

12 MR. SACHS TO JUDGE

13 Q. It looks like I have nothing in January, so any
14 day.

15 JUDGE TO MS. TAYLOR

16 Q. All right, how about the 22nd at 3:00, Ms. Taylor?

17 A. What day of the week is that?

18 Q. Also a Tuesday.

19 A. Okay.

20 JUDGE TO MR. SACHS

21 Q. Hearing notice for January 22nd, 2008, at 3
22 o'clock.

23 A. At 3 o'clock.

24 MS. TAYLOR TO MR. SACHS

25 Q. You gave me two copies.

pp

1 A. Sorry?

2 Q. You gave me two copies.

3 A. Sorry.

4 JUDGE TO MS. SHIPILINA

5 Q. Ma'am, you speak English, correct?

6 A. Yes.

7 Q. Going to give you a hearing notice to come back
8 for your trial on January 22nd at 3 o'clock. It's important that
9 you return to court on that date. If you don't return to court,
10 I may have to go ahead in this case without you. If that
11 happens, I may have to order you deported because you are not
12 present. Understand?

13 A. Yes, I do.

14 Q. I'm also going to give you a written sheet of
15 warnings which repeat the warnings I have just made to you about
16 the consequences of not appearing to court when you are supposed
17 to. If you have any questions about any of that, you can discuss
18 it with your lawyer. Are you continuing to reside on, I can't
19 read this that well, 34th Street in Astoria?

20 A. Yes, that's correct.

21 Q. All right.

22 JUDGE TO COUNSEL

23 Q. Both parties will continue to have the opportunity
24 to supplement the application with additional information or
25 documentation. Any such materials should be submitted no later

1 than 10 days prior to the hearing date. If you do anticipate
2 presenting any witnesses in support of the claim in addition to
3 the respondent, please provide the Court with a witness list no
4 later than 10 days prior to the hearing date identifying the
5 witness or witnesses, together with their status in this country
6 and A number, if applicable, their residence in this country in a
7 brief proper.

8 JUDGE TO MS. TAYLOR

9 Q. Ms. Taylor, will the Service initiate database
10 checks?

11 A. Yes, I'm going to give a BUCKS slip for
12 fingerprints.

13 JUDGE TO MR. SACHS

14 Q. Your client must appear for a biometric scan
15 appointment at the appropriate time. If she fails to do so, I
16 may have to deny her application for failure to prosecute. Will
17 you convey those instructions to her?

18 A. Yes, Your Honor.

19 JUDGE FOR THE RECORD

20 I will be denying the hardship waiver effective today,
21 for failure to prosecute. We'll be proceeding on the basis of
22 the good faith waive.

23 JUDGE TO MR. SACHS

24 Q. Anything else from the respondent today?

25 A. No, Your Honor.

1 JUDGE TO MS. TAYLOR

2 Q. Ms. Taylor?

3 A. Yes, I'm giving a BUCKS slip for fingerprints.

4 Q. So noted.

5 JUDGE FOR THE RECORD

6 Hearing is adjourned.

7 HEARING CONTINUED

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ALINA SHIPILINA,

Respondent

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IN REMOVAL PROCEEDINGS

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For the Department of
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Khalilah Taylor, Esquire

For the Respondent:

Jack Sachs, Esquire

1 JUDGE FOR THE RECORD

2 These are continued removal proceedings in New York
3 City, in the case of Alina Shipilina, A 47 202 363. The date is
4 January 22nd, 2008, Immigration Judge Paul A. DeFonzo presiding.
5 The respondent is present in court today, with counsel.

6 JUDGE TO MS. SHIPILINA

7 Q. Ma'am, do you speak English?

8 A. Yes.

9 Q. Please stand up and raise your right hand. Do you
10 swear that the testimony that you give today will be the truth,
11 the whole truth, and nothing but the truth, so help you God?

12 A. Yes.

13 Q. Thank you, please take a seat on the end. Ma'am,
14 are you fluent in English?

15 A. Yes.

16 Q. Are you continuing to reside on 34th Street in
17 Astoria?

18 MR. SACHS TO JUDGE

19 Q. Excuse me, Judge.

20 A. She answered yes?

21 MS. SHIPILINA TO JUDGE

22 Q. Not much.

23 A. I'm sorry?

24 Q. It's not much, (indiscernible) in Russian.

25 A. Well I asked if you were fluent in English, you

1 said yes. Are you not fluent in English?

2 Q. I'm not fluent in English.

3 A. When you previously appeared in court in this case
4 in July of 2006, you did indicate to me that you believed you
5 could proceed in English. Do you still believe you can proceed
6 in English, or do you require a Russian interpreter?

7 Q. I'll do my best to --

8 A. Well that's not what I'm asking you, since your
9 best may be inadequate. Do you believe you can proceed with your
10 trial which is today, in the English language, or do you require
11 a Russian interpreter?

12 Q. I do English.

13 JUDGE FOR THE RECORD

14 The charging document in this case is a Notice To
15 Appear, dated June 22nd, 2006, previously been marked into the
16 record as Exhibit 1. Factual allegations have previously been
17 admitted. Removability has previously been conceded.

18 JUDGE TO MS. SHIPILINA

19 Q. Are you continuing to reside on 34th Street in
20 Astoria?

21 A. Yes.

22 Q. Are you working?

23 A. Yes.

24 Q. Where do you work?

25 A. I'm self-employed.

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1 Q. What do you do?
2 A. I work as a model and entertainer.
3 Q. And where do you do that?
4 A. Where?
5 Q. Yes.
6 A. Modeling jobs, I do catalogue, runway. As
7 entertain, I do it at trade shows, promotional works.
8 Q. Do you do them in New York or do you do them
9 elsewhere?
10 A. I do New York mostly, Judge.
11 Q. The gentleman seated across from you, is he still
12 your attorney, authorized to speak for you?
13 A. Yeah.
14 JUDGE FOR THE RECORD
15 For the respondent, Jack Sachs, Esquire. For the
16 Service, Khalilah Taylor, Esquire, Assistant Chief Counsel.
17 JUDGE TO MR. SACHS
18 Q. Mr. Sachs, when we were last together on this on a
19 master calendar in May of last year, you then indicated the
20 respondent would be seeking a waiver of the requirement to file a
21 joint petition based on the good faith of her marriage. Is she
22 continuing to seek that relief today?

23 A. Yes, Judge.
24 JUDGE FOR THE RECORD
25 Also presented in this case is a packet marked Group 2

1 for identification, from the Service. Initially consisting of a
2 copy of an I-551 for the respondent.

3 JUDGE TO MR. SACHS

4 Q. Is there any objection to that, Mr. Sachs?

5 A. Your Honor, there's so much in this, I don't know
6 if I, I just have to refresh my recollection of it.

7 Q. That was presented at master calendar on July
8 14th, 2006.

9 A. No, then I, no.

10 JUDGE FOR THE RECORD

11 That will be Exhibit 2-A. Also contained in that
12 packet is a copy of a visa face for the respondent.

13 JUDGE TO MR. SACHS

14 Q. Any objection to that?

15 A. No, Your Honor.

16 JUDGE FOR THE RECORD

17 Two B, and the last item contained in that packet is
18 the notice terminating the respondent's conditional resident
19 status from the District Director in New York. That notice is
20 dated October 1st, 2004.

21 JUDGE TO MR. SACHS

22 Q. Any objection to that?

23 A. No, Judge, no, Your Honor.

24 JUDGE FOR THE RECORD

25 That will be 2-C. That concludes that packet. I have

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1 some submissions from the respondent in this case. A packet
2 previously marked as 3, for identification, initially consisting
3 of what is described as a stipulation of settlement referencing
4 the respondent and Roy Dean Hollinder, dated November 4, ⁰⁰2991.

5 JUDGE TO MS. TAYLOR

6 Q. Do you have any objection to that, Ms. Taylor?

7 A. No, Judge.

8 JUDGE FOR THE RECORD

9 Three A. A letter dated February 2nd, 2006, from the
10 Falcon Private Investigators.

11 JUDGE TO MS. TAYLOR

12 Q. Any objection to that?

13 A. I'm not sure if the examiner is available for
14 cross-examination.

15 JUDGE TO MR. SACHS

16 Q. Is he available, Mr. Sachs?

17 A. Not today.

18 JUDGE FOR THE RECORD

19 Sustained as to the unavailability of the author for
20 cross-examination. That will be 3-B for identification. There
21 appears to be a statement of qualification and curriculum vitae
22 for the author of the report. That will be considered part of
23 3-B for identification. A letter from the State of Connecticut,
24 dated March 3rd, 2004, again, referencing the author as a court.
25 That will again be considered part of 3-B for identification. At

1 tab 3, I have the psycho-social assessment referencing the
2 respondent, offered by a social worker, Nancy Kahn. My copy of
3 that assessment is not signed.

4 JUDGE TO MS. TAYLOR

5 Q. Is your copy signed, Ms. Taylor?

6 A. No, it's not.

7 JUDGE TO MR. SACHS

8 Q. Do you have a signed copy, Mr. --

9 A. Yes, I do, Judge.

10 Q. Sachs?

11 A. Yes, I do. Once second, let me just look for it,

12 I have it here.

13 Q. We'll go off the record while you look for it.

14 A. Thank you, Judge.

15 (OFF THE RECORD)

16 (ON THE RECORD)

17 JUDGE FOR THE RECORD

18 Mr. Sachs has provided the Court with a signed copy of
19 the report. I've provided a courtesy copy of the entire signed
20 copy to both the Court's record of proceedings, as well as to the
21 parties.

22 JUDGE TO MS. TAYLOR

23 Q. Any objection to that, Ms. Taylor?

24 A. I'm not sure if Ms. Kahn is available for cross-
25 examination one, two, relevance because the son is substance of

1 this report, indicates that the respondent was a battered woman
2 and subjected to domestic violence. This is a waiver based on
3 the good faith of her marriage, not based on any battery or
4 extreme cruelty.

5 JUDGE TO MR. SACHS

6 Q. Is the author available, Mr. Sachs?

7 A. Well I spoke to her and she didn't think she could
8 make it today. She could be available at a future -- I had
9 anticipated that and did speak to her, but her schedule wouldn't
10 permit that.

11 JUDGE FOR THE RECORD

12 I'll sustain the objection as to her unavailability for
13 cross-examination. So note Ms. Taylor's remarks as to the
14 respective relevancy of the report. That will be 3-C for
15 identification. Document described as a personal and business
16 management agreement, referencing the respondent.

17 JUDGE TO MS. TAYLOR

18 Q. Any objection to that?

19 A. Relevance, and it's not signed by any party.

20 JUDGE TO MR. SACHS

21 Q. Do we have a signed copy of this, Mr. Sachs?

22 A. No, we don't, Judge. That's the one with the
23 hearts on it.

24 JUDGE FOR THE RECORD

25 Well, I'll admit it into the record, but it's difficult

1 for me to give it any probative value as evidence in the case due
2 to the fact that it's unsigned. Mark it 3-D into the record. A
3 statement from Enessa Alexandrovna Shipilina (phonetic sp.).

4 JUDGE TO MS. TAYLOR

5 Q. Any objection to that?

6 A. Just note it's not notarized or sworn to.

7 JUDGE FOR THE RECORD

8 Nevertheless, I'll give it the weight I fell it
9 deserves, given the totality of the evidence in the case. That
10 will be 3-E. Statement from Demetri Morisal (phonetic sp.).

11 JUDGE TO MS. TAYLOR

12 Q. Same position as to that?

13 A. Same objection, Judge.

14 JUDGE FOR THE RECORD

15 Again, I'll overrule the objection, giving it the
16 weight that I feel it deserves given the totality of the evidence
17 in the case. That will be 3-F. That concludes that packet. I
18 have an additional submission from the respondent, previously
19 marked Group 4 for identification. Initially, consisting of an
20 I-751 bearing a date of 05-21-02. That will be Exhibit 4-A. I
21 have a receipt from the Regional Service Center in Saint Albans,
22 Vermont. I appear to have the original. That will be 4-B. A
23 letter from the Citizenship and Immigration Services, May 24th,
24 2004.

25 JUDGE TO MS. TAYLOR

*V. H. W. A.
W. H. W. A.
H. W. A. T. N.*

1 Q. Any objection to that, Ms. Taylor?

2 A. No.

3 JUDGE FOR THE RECORD

4 Four C. Divorce decree, referencing the respondent.

5 JUDGE TO MS. TAYLOR

6 Q. Any objection to that?

7 A. No, Judge.

8 JUDGE FOR THE RECORD

9 Four D, and it appears to be a letter which is
10 presented in some manner of chronological form.

11 JUDGE TO MS. TAYLOR

12 Q. Any objection to that?

13 A. No original Judge, and I'm not sure where it's
14 taken from.

15 Q. I'm sorry, you're not sure?

16 A. Where it's taken from.

17 JUDGE TO MR. SACHS

18 Q. Do we have an original, Mr. Sachs?

19 A. I thought I had. That's the letter from?

20 Q. Signed with love, Roy. My copy of the original
21 looks like this, two pages. We're off the record while you look
22 for it.

23 (OFF THE RECORD)

24 (ON THE RECORD)

25 JUDGE TO MR. SACHS

1 Q. Mr. Sachs, have you been able to locate an
2 original for that letter?

3 A. No, Your Honor.

4 JUDGE TO MS. TAYLOR

5 Q. What say you, as to the copy, Ms. Taylor?

6 A. Same object, Judge.

7 JUDGE FOR THE RECORD

8 Sustained for lack of the original. That will be 4-E
9 for identification.

10 JUDGE TO MR. SACHS

11 Q. Well, should you locate the original before the
12 conclusion of the hearing, you can bring that to my attention.

13 JUDGE FOR THE RECORD

14 I have an additional submission today from the
15 respondent, a packet tabbed 1 through 6.

16 JUDGE TO MS. TAYLOR

17 Q. Do you have that, Ms. Taylor?

18 A. Yes, I do, Judge.

19 JUDGE FOR THE RECORD

20 It will be Group 5, for identification.

21 JUDGE TO MS. TAYLOR

22 Q. Would you like an opportunity to review it?

23 A. Yes, Judge.

24 Q. Go off the record while you do that.

25 (OFF THE RECORD)

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(ON THE RECORD)

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JUDGE TO MS. TAYLOR

3

Q. Referring to the Group 5 packet, initially I have
an affidavit from the respondent. Any objection to that?

5

A. Timeliness, Judge.

6

JUDGE FOR THE RECORD

7

Well, as the respondent is present in court today to be
subjected to cross-examination with regard to that document, and
it's only a 2-page document, I'll overrule the objection as to
timeliness with regard to that. Mark it 5-A. Another copy of
the correspondence from the District Director in New York, dated
October 1st, 2004, previously marked 2-C. A decision and order
with regard to the divorce action.

12

13

14

JUDGE TO MS. TAYLOR

15

Q. Any objection to that?

16

A. No, Judge.

17

JUDGE FOR THE RECORD

18

Five B. Another copy of the psycho-social assessment
from the social worker, previously marked 3-C for identification.

19

20

MR. SACHS TO JUDGE

21

Q. That's the signed copy, right?

22

A. This copy is signed, but it's a photocopy, but
it's the same copy that you presented earlier.

23

24

JUDGE FOR THE RECORD

25

A summons and complaint referencing Roy Dean Hollinder

1 as plaintiff.

2 JUDGE TO MS. TAYLOR

3 Q. What say you as to that?

4 A. Relevance, timeliness, and I haven't had a full
5 opportunity to read over some of it.

6 JUDGE TO MR. SACHS

7 Q. This is a substantial submission, is there any
8 special reason why it was not submitted within the 10-day
9 submission deadline, Mr. Sachs?

10 A. No, I don't have a (indiscernible), Your Honor.

11 JUDGE FOR THE RECORD

12 Sustain the objection after the untimeliness of the
13 submission, 5-C for identification. An order from the 2nd
14 Circuit Court of Appeals referencing Roy Dean Hollinder as
15 plaintiff, appellant.

16 JUDGE TO MS. TAYLOR

17 Q. What say you as to that, Ms. Taylor?

18 A. Again, timeliness, Judge.

19 JUDGE TO MR. SACHS

20 Q. Any special reason why that was not submitted
21 within the submission deadline that I provided, Mr. Sachs?

22 A. No, Judge.

23 JUDGE FOR THE RECORD

24 Sustained, as to untimeliness, would appear to relate
25 to the lengthy summons and complaint marked 5-C for

1 identification. Mark the order, 5-D for identification.

2 JUDGE TO MR. SACHS

3 Q. Is there anything additional in terms of
4 documentary evidence from the respondent today, Mr. Sachs?

5 A. No, Your Honor.

6 Q. While off the record, you had indicated that you
7 may have an original copy of the letter marked 4-E for
8 identification?

9 A. I had it in my hand a minute ago, Judge.

10 Q. Well while you're looking for that --

11 JUDGE TO MS. TAYLOR

12 Q. Ms. Taylor, is there anything additional in terms
13 of documentary evidence from the Service today?

14 A. No, Judge.

15 JUDGE TO MR. SACHS

16 Q. We'll go off the record while you look for it.

17 (OFF THE RECORD)

18 (ON THE RECORD)

19 JUDGE FOR THE RECORD

20 Mr. Sachs has presented a copy of the translation.
21 Note that the translation does state at the top, translated from
22 Russian, then parenthetically this text had been prior translated
23 from English, however what has been presented to me does appear
24 to be in the nature of a photocopy. There is no signature in any
25 event, says With Love, Roy at the end and typewritten.

1 MR. SACHS TO JUDGE

2 Q. Well the Russian that is translated Judge, has his
3 name typed on it.

4 A. Well again, parenthetically it says this text had
5 been prior translated from English, which leads me to believe
6 that the original of the document was supposed to be in English,
7 but this document is completely typewritten and in fact, does
8 appear to be a photocopy, looking at the translation stamp which
9 is affixed thereto.

10 Q. That's the question I have, the way I put it to
11 the other Judge is that he wrote a letter, gave it to someone to
12 put into Russian, which is here, and then had this translated
13 into English.

14 A. Well where is the letter that he wrote, that is
15 the question?

16 Q. That's something that nobody knows.

17 A. Well in the absence of that original, I do feel
18 compelled to sustain the objection as to lack of the original.

19 Q. Okay.

20 A. Well how are we seeking to proceed today, Mr.
21 Sachs? I have sustained objections to some portion of your
22 documentary evidence including the report from the detective. I
23 don't know to what degree you are seeking to rely on the report.
24 I'll also sustain the objection to the psycho-social report which
25 Ms. Taylor believes also may have relevancy issues. Do you wish

1 to proceed in the absence of those materials?

2 Q. Yes, Judge.

3 A. Or would you like an opportunity to discuss with
4 your client if she would like an opportunity to have those
5 individuals made available.

6 Q. Yeah, the (indiscernible) May I have a moment?

7 A. Go off the record while you do that.

8 Q. Thank you.

9 (OFF THE RECORD)

10 (ON THE RECORD)

11 JUDGE FOR THE RECORD

12 We're back on the record. While off the record, Mr.
13 Sachs has inquired as to where I might be adjourning this case.
14 I do have an opening for March 20th at 9 o'clock.

15 JUDGE TO MR. SACHS

16 Q. In view of that, would you seeking to proceed
17 today in the absence of the excluded evidence, Mr. Sachs, or
18 would you be interested in having the case adjourned?

19 A. I would be interested in having the case
20 adjourned, and I would request at this time, with enough time,
21 that there be a Russian interpreter next time.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor, what's the Service's position?

24 A. No objection, Judge.

25 JUDGE FOR THE RECORD

1 In view of the unopposed nature of the adjournment
2 request and a consideration of the fact there is a first time,
3 the case has been scheduled to the merits calendar. I will
4 adjourn the case to March 20th, 2008, at 9 o'clock.

5 JUDGE TO MS. SHIPILINA

6 Q. Ma'am, I'm going to adjourn your case to March
7 20th at 9 o'clock, in view of the fact that your attorney has
8 some interest in an adjournment. Since I have been compelled to
9 exclude various items of your documentary evidence today. I'm
10 going to give you a new hearing notice for March 20th, at 9
11 o'clock. It's important that you return to court at that time.
12 If you don't, we may have to go ahead in this case without you.
13 If that happens, we may have to order you deported because you
14 are not here. Do you understand?

15 A. I understand.

16 Q. In addition to your new hearing notice, I'm also
17 going to give you a written sheet of warnings which repeats the
18 warnings I have just made to you concerning the consequences of
19 not returning to court when you are supposed to. If you have any
20 questions about any of that, you should discuss it with your
21 lawyer.

22 JUDGE TO MS. TAYLOR

23 Q. Does the Service have any objection to the
24 perspective witnesses appear telephonically in this case?

25 A. No, Judge.

1 Q. So noted, and that would apply to the social
2 worker as well as to the preparer of the polygraph report?

3 A. That's fine.

4 JUDGE TO MR. SACHS

5 Q. If you do anticipate presenting any additional
6 witnesses in the case besides those two, they would be expected
7 to appear in person unless you have previously cleared with Ms.
8 Taylor that they may also appear telephonically.

9 JUDGE FOR THE RECORD

10 Both parties will continue to have the opportunity to
11 supplement the application with additional information or
12 documentation. Any such materials should also be submitted no
13 later than 10 days prior to the hearing date.

14 MR. SACHS TO JUDGE

15 Q. There is a (indiscernible) and understandably so,
16 Judge, since it's put over until March 20th, can I grandfather
17 these things that were excluded today, or should I resubmit them?

18 A. If you're referring to 5-C and 5-D_for
19 identification, there were two objections to those based first on
20 timeliness. Naturally, that objection would be cured upon the
21 next hearing date. As to the relevance objection, I would most
22 likely just have to sustain that objection of connection
23 depending on the contents of those materials. But certainly, the
24 untimeliness objection as to those would be overruled in view of
25 the fact that more than 10 days would have elapsed from their

1 original date of submission which was today, until the next
2 hearing date.

3 Q. Well that's fine, Judge, and I believe I could
4 develop the relevancy to both, Your Honor, to Ms. Taylor's
5 satisfaction.

6 A. All right, well you'll have the opportunity to do
7 that at the merits hearing.

8 Q. Yes, Judge.

9 A. As to the remaining item of excluded evidence, the
10 letter, it is, of course, in your interest to try to locate the
11 original of that, if you would like the Court to consider it.

12 Q. Yes, Judge.

13 JUDGE TO MS. TAYLOR

14 Q. Then Ms. Taylor, where do we stand with the checks
15 at this time?

16 A. Her prints will still be good the next hearing
17 date.

18 Q. Thank you.

19 JUDGE TO MR. SACHS

20 Q. Anything else from the respondent today?

21 A. No, Your Honor.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor?

24 A. No, Judge.

25 JUDGE FOR THE RECORD

1 The hearing is adjourned.

2 HEARING CONTINUED

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U.S. Department of Justice
Executive Office for Immigration Review
Immigration Court

Matter of

File A 47 202 363

ALINA SHIPILINA,

Respondent

)
)
)
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IN REMOVAL PROCEEDINGS

Transcript of Hearing

Before PAUL A. DEFONZO, Immigration Judge

Date: March 20, 2008

Place: New York, New York

Transcribed by DEPOSITION SERVICES, INC. at Rockville, Maryland

Official Interpreter: Edward Bot

Language: Russian

Appearances:

For the Department of
Homeland Security:

Khalilah Taylor, Esquire

For the Respondent:

Jack Sachs, Esquire

1 JUDGE FOR THE RECORD

2 These are continued removal proceedings in New York
3 City, in the case of Alina Shipilina, A 47 202 363. The date is
4 March 20th, 2008, Immigration Judge Paul A. DeFonzo presiding.
5 The respondent is present in court today, with counsel. Also
6 present is an interpreter in the Russian language, Edward Bot
7 (phonetic sp.).

8 JUDGE TO INTERPRETER

9 Q. Mr. Bot, would you please stand up and raise your
10 right hand. Do you swear that the interpretation you perform
11 today from the English to Russian and Russian to English
12 languages will be true and accurate to the best of your ability?

13 A. I do.

14 Q. Thank you, please be seated.

15 A. Thank you.

16 Q. You're welcome. Would you please ask the
17 respondent to stand up and to raise her right hand.

18 JUDGE TO MS. SHIPILINA

19 Q. Ma'am, do you swear that the testimony that you
20 give today will be the truth, the whole truth, and nothing but
21 the truth, so help you God?

22 A. Yes.

23 Q. Thank you, please be seated. Ma'am, can you
24 understand the Russian being spoken by the interpreter?

25 A. Yes.

map

1 Q. Russian your best language?

2 A. Yes.

3 Q. You're residing on 34th Street in Astoria?

4 A. Yes.

5 Q. Are you working?

6 A. Yes.

7 Q. Where?

8 A. I work as a model, I do promotions and

9 conventions.

10 Q. The gentleman seated across you, is he still your
11 attorney authorized to speak for you?

12 A. Yes.

13 JUDGE FOR THE RECORD

14 For the respondent, Jack Sachs, Esquire. For the
15 Service, Khalilah Taylor, Esquire, Assistant Chief Counsel. We
16 were last together on this case on the individual calendar in
17 January. At that time, the case was adjourned to allow the
18 respondent an opportunity to arrange for the presentation of
19 witnesses. It had previously been represented that the
20 respondent would be seeking to renew her application for a good
21 faith waiver of the joint petition requirement pursuant to
22 Section 216.

23 JUDGE TO MR. SACHS

24 Q. Is that the relief she's continuing to seek, Mr.
25 Sachs?

map

1 A. Yes, Your Honor.

2 JUDGE FOR THE RECORD

3 Charging document in this case is the Notice To Appear,
4 dated June 22nd, 2006, previously marked Exhibit 1. Factual
5 allegations have previously been admitted, removability has
6 previously been conceded. I have a packet from the Service
7 previously marked Group 2, consisting of a copy of the front of
8 an I-551 for the respondent marked Exhibit 2-A, a visa face for
9 the respondent marked Exhibit 2-B, correspondence from the
10 Department of Homeland Security dated August 1st, 2004,
11 previously marked 2-C. That concludes that packet. I have a
12 submission as well from the respondent previously marked Group 3
13 for identification, initially consisting of a stipulation of
14 settlement referencing the respondent marked Exhibit 3-A, a
15 polygraph report referencing the respondent, dated February 2nd,
16 2006. The Service had previously expressed an interest in cross-
17 examining the author.

18 JUDGE TO MR. SACHS

19 Q. Has he been made available, Mr. Sachs?

20 A. Unfortunately, I spoke to him yesterday and he had
21 mistaken the date, he was prepared to come in or even testify
22 telephonically.

23 Q. So he's not available?

24 A. No, Judge.

25 JUDGE TO MS. TAYLOR

1 Q. Is the Service continuing to press that objection?

2 A. Yes, Judge.

3 JUDGE FOR THE RECORD

4 Sustain the objection for unavailability of the author
5 for cross, that will be 3-B for identification. A psycho-social
6 assessment referencing the respondent is marked 3-C for
7 identification. The Service had also expressed an interest in
8 cross-examining the author.

9 JUDGE TO MR. SACHS

10 Q. Is that author available?

11 A. She's sitting, as you instructed, she's in the
12 courtroom.

13 Q. All right.

14 JUDGE FOR THE RECORD

15 The Service had also lodged a relevancy objection to
16 that which I'll consider under advisement. Continue to mark it
17 3-C pending the testimony of the author. A document described as
18 a personal and business management agreement referencing the
19 respondent, previously marked 3-D. A letter from Enessa
20 Alexandrovna Shipilina, previously marked 3-E. A letter from
21 Demetri Morisal, previously marked 3-F, and that concludes that
22 packet. I have an additional submission from the respondent
23 previously marked Group 4 for identification. Initially
24 consisting of the I-751, re-questioning the good faith marriage
25 waiver, previously marked Exhibit 4-A. Receipts from the

1 Regional Service Center in Saint Albans, already marked 4-B.
2 A second letter from the Citizenship and Immigration Services
3 Office, this one dated May 24th, 2004, previously marked 4-C.
4 Divorce decree, referencing the respondent, previously marked
5 4-D, and a letter, it appears to be a series letters which was
6 marked 4-E for identification, in the absence of the original.
7 JUDGE TO MR. SACHS

8 Q. Has the original been located, Mr. Sachs?

9 A. Which letter is that, sir?

10 Q. The document marked 4-E for identification? It
11 appears to be a series of letter from the ex-husband.

12 A. No, Judge.

13 JUDGE FOR THE RECORD

14 Continue to mark it 4-E for identification in the
15 absence of the original. Also from the respondent, packet marked
16 Group 5 for identification, initially consisting of a statement
17 from the respondent marked Exhibit 5-A. I have another copy of
18 the service, for respondent, from October 1st, 2004, already
19 marked 2-C. Court materials referencing the respondent, marked
20 Exhibit 5-B. Another copy of Ms. Kahn's assessment, already
21 marked 3-C for identification. A summons with additional court
22 materials previously marked 5-C for identification. I have
23 sustained an objection as to untimeliness of that submission.
24 Submission is not rendered timely by the adjournment.

25 JUDGE TO MS. TAYLOR

1 Q. Any other objections to that Ms. Taylor?

2 A. Let me just locate it, Judge.

3 Q. That's at tab 5, in the Group 5 packet. Similar
4 objection to the next item which is a summary order from the 2nd
5 Circuit Court of Appeals.

6 A. Yes, just relevancy, Judge.

7 JUDGE FOR THE RECORD

8 I'll admit it and consider it for what it's worth, that
9 will be 5-C.

10 JUDGE TO MS. TAYLOR

11 Q. And the 2nd Circuit order, same position as to
12 that?

13 A. Yes, Judge.

14 JUDGE FOR THE RECORD

15 Admit that as well for what it's worth, that will be
16 5-D. That concludes that packet.

17 JUDGE TO MR. SACHS

18 Q. Is there anything additional in terms of
19 documentary evidence from the respondent today, Mr. Sachs?

20 A. I thought that I had submitted that huge complaint
21 from the -- apparently not, I thought I did. I thought I saw it
22 mentioned in one of my letters. If you had it, it's like an 85,
23 89-page complaint.

24 Q. I believe that's the 5-C packet. The first item
25 is a summons?

1 A. Yes.

2 Q. For the Southern District of New York?

3 A. Yes.

4 Q. Well that's Exhibit 5-C.

5 A. The whole, the complaint as well?

6 Q. This much stuff?

7 A. Right, right.

8 Q. Anything else in terms of documentary evidence

9 from the respondent today?

10 A. No, Your Honor.

11 JUDGE TO MS. TAYLOR

12 Q. Ms. Taylor, anything additional in terms of

13 documentary evidence from the Service today?

14 A. No, Judge.

15 JUDGE TO MR. SACHS

16 Q. And how are you seeking to proceed today,

17 initially with testimony from the respondent or from the witness?

18 A. Good question. I've never been given that option

19 before. It probably would make sense to have the witness

20 testify, then she could leave and go wherever she wants, and then

21 follow-up with the -- do you have any objection to that, Judge?

22 Well you suggested it. As I said, this is the first time I've

23 been offered that alternative.

24 Q. Is there any objection to the respondent being

25 sequestered while the witness testifies?

1 A. No.

2 JUDGE TO MS. SHIPILINA

3 Q. To the respondent, ma'am, your attorney has
4 indicated that he will first be eliciting testimony from your
5 witness. It is of some value to me that you do not hear your
6 witness' testimony, so in a moment, I'm going to invite you to
7 wait outside the courtroom in the waiting room until we are ready
8 to hear from you. I do want to caution you that we may take a
9 brief break or a recess in the proceedings this morning. During
10 the course of any such break or recess, you're not to have any
11 communication with the witness. Should it come to my attention
12 that you have communicated with her, I will have to take that
13 into account when I make the decision in your case. Do you
14 understand?

15 A. Yes.

16 Q. Thank you, you are excused. Please shut the door
17 behind you when you go out.

18 JUDGE TO WITNESS

19 Q. Ma'am, you can come forward.

20 JUDGE TO INTERPRETER

21 Q. You can take a break, Mr. Bot.

22 A. Thank you, should I wait outside also?

23 Q. If you want, or you can wait in here.

24 A. I'll wait in the back.

25 Q. Just don't disappear.

1 A. Okay.

2 JUDGE TO WITNESS

3 Q. Ma'am, please remain standing and raise your right
4 hand. Do you swear that the testimony that you give today will
5 be the truth, the whole truth, and nothing but the truth, so help
6 you God?

7 A. I do.

8 Q. Thank you, please be seated. Ma'am, are you
9 fluent in English?

10 A. Yes.

11 Q. At this time, Mr. Sachs is going to have the
12 opportunity to ask you some questions. When he is finished, the
13 attorney for the Government, Ms. Taylor, may ask you some
14 questions. I may also ask you questions when they're finished,
15 or by interrupting them from time-to-time. Please note, there's
16 a microphone on the table in front of you, that's because we're
17 tape recording the proceeding.

18 A. Okay.

19 Q. So when you speak, please do so in a loud and
20 clear voice so that everyone can hear you.

21 A. Okay.

22 Q. Please make sure you do answer the questions,
23 however I would ask that you please limit your answer to the
24 questions that are put to you and if you're not sure of something
25 or you don't remember something, you should let us know. Don't

1 make-up or guess at answers just to please us.

2 A. Okay.

3 Q. I see you have some materials in front of you,
4 please put them one of the chairs or provide or give them to me.

5 A. I don't know (indiscernible)

6 Q. Because you shouldn't refer to materials during
7 testimony unless you have (indiscernible) with the Court.

8 JUDGE TO MR. SACHS

9 Q. Go ahead, Mr. Sachs.

10 MR. SACHS TO WITNESS

11 Q. Ms. Kahn, could you please state your
12 qualifications?

13 A. I'm a New York State Licensed Clinical Social
14 Worker and I've been in practice for almost 35 years, post-
15 masters from Boston University.

16 Q. Post-masters in what?

17 A. Social work.

18 Q. And, you're familiar with Ms. Shipilina, Alina?

19 A. Yes.

20 Q. Would you state the circumstances under which you
21 came to know her?

22 A. I met with her in May of 2006, I understood at the
23 time that she was filing a battered spouse petition, so I was
24 hired to do a psycho-social evaluation in reference to that.

25 Q. And is that represented by this document that --

1 A. Yes.

2 Q. Okay, now how long did you spend with Ms.
3 Shipilina?

4 A. I met with her in her home for about three hours.

5 Q. And since the reason for originally interviewing
6 her was, as you said, a battered spouse petition, I presume that
7 you spoke about her marriage at length?

8 A. Yes, at length.

9 Q. And what did she tell you about the marriage as to
10 how or when she met her husband?

11 A. She met her husband, I believe, in Moscow, where
12 she was for her work, and after she met him, he pursued her very
13 vigorously, texting her, calling her, sending flowers and so
14 forth.

15 Q. He pursued her?

16 A. He pursued her.

17 Q. And did she state, or did you find out when the
18 subject of marriage came up?

19 A. After, I think, a couple of months of their
20 knowing each other, he impulsively all the sudden, blurted out
21 marry me.

22 Q. So as far as you were able to discover, that the
23 idea of getting married was his idea?

24 A. That's correct. She said she was surprised at the
25 time and needed a little time to think about it.

1 Q. And then what did she say?

2 A. And then she decided that she would marry him, she
3 felt she was in love with him, and she felt they could help each
4 other.

5 Q. Did the topic of coming to the United States as an
6 immigrant ever come up?

7 A. No.

8 Q. So, to your knowledge, that was not the reason she
9 married her husband?

10 A. That's correct.

11 Q. And then, did she describe some of the problems
12 that led to the battered spouse petition?

13 MS. TAYLOR TO JUDGE

14 Q. Objection, Judge, there's not evidence of a
15 battered spouse petition being filed within the court.

16 JUDGE TO MR. SACHS

17 Q. I don't have anything in the Court's record about
18 it, Mr. Sachs, so where are we going with this?

19 A. Well, Ms. Kahn had said that's why she was
20 originally hired to interview.

21 Q. Well that's fine, but I don't know the relevancy
22 of it to this proceeding which is supported by a good faith and a
23 marriage waiver. I mean, if a battered spouse petition was ever
24 filed, it has not been brought to my attention. Do you know if
25 one was filed?

1 A. Well apparently, but I've seen it, Judge. She
2 mentioned --

3 Q. So you don't know anything about it?

4 A. Just what I've heard.

5 Q. All right, well if the witness has anything to
6 relate with regard to the good faith nature of the marriage, you
7 can illicit that from her, but I don't know that we need to get
8 into the battered wife petition.

9 A. Okay.

10 Q. That no one is aware exists.

11 A. All right.

12 JUDGE TO MS. TAYLOR

13 Q. Unless you have some notice of it, Ms. Taylor?

14 A. I do not.

15 JUDGE TO MR. SACHS

16 Q. All right, go ahead.

17 MR. SACHS TO WITNESS

18 Q. Do you know whether she mentioned anything about
19 her husband's attitude toward her immigration status?

20 A. Well initially, he said that he wanted her to come
21 to the United States to see where he lived and I believe he got a
22 visa for her at some point. And then she came a second time
23 later on to stay with him. Later on in the marriage, as he
24 became more and more abusive, he used her status or lack of
25 status as a way to yield power over her and would periodically

p
1 threaten her that he was going to notify the INS, that he had
2 friends at the INS, that he would have her deported, and that was
3 very frightening to her.

4 Q. I see, and did it come out as to yield power over
5 her in what way?

6 MS. TAYLOR TO JUDGE

7 Q. Objection again, this goes to any type of abuse,
8 which I don't think is relevant. I think (indiscernible).

9 MR. SACHS TO JUDGE

10 Q. No, I didn't say anything about abuse.

11 A. Well, I'll allow it, but I'll put you on a short
12 leash, if it doesn't look like it's going in the right direction,
13 Mr. Sachs. Go ahead.

14 MR. SACHS TO WITNESS

15 Q. What were some of the examples? Not necessarily
16 physical abuse, but what were some of the examples?

17 A. Well as I said, he would threaten her if she
18 didn't do what he wanted her to do, that he would report her to
19 the INS. He would have her deported. That was menacing to her,
20 so she tended to do things that she was uncomfortable with
21 because of that.

22 Q. Any examples of things that she was uncomfortable
23 with?

24 A. He got her a job at a topless dance club called
25 Flash Dance, which she didn't want to do, but he kept threatening

1 her. It was very intimidating to her.

2 Q. So he was the one who arranged for the job?

3 A. Correct.

4 Q. Did you ever have any questions or reasons to talk
5 about possible activities as a prostitute?

6 A. No, it never came up.

7 Q. Did you know of any actions in court, either he
8 had against her or she had against him?

9 A. She told me that he had filed some suits against
10 her, against her mother, against a lot of other people accusing
11 her of illegal activities, one point even accusing her of being
12 involved with Al Queda, and she felt that these were all, you
13 know, things to harass her. That was actually after the marriage
14 ended.

15 Q. So as far as you were able to determine, she did
16 nothing to initiate the proceedings to bring her here as a
17 immigrant, is that true?

18 A. That's correct.

19 MR. SACHS TO JUDGE

20 Q. I have no further questions at this time, Your
21 Honor.

22 JUDGE TO MS. TAYLOR

23 Q. Ms. Taylor, cross-examination.

24 A. Thank you.

25 Q. You're welcome.

1 MS. TAYLOR TO WITNESS

2 Q. How many times did you meet with the respondent?

3 A. One time.

4 Q. Has she ever been married before, to your
5 knowledge?

6 A. Not to my knowledge.

7 Q. Was there any particular reason that you met her
8 in her home as opposed to your office?

9 A. I usually meet clients in their homes so that
10 they're more comfortable and so that I can get a sense of, more
11 of a sense of who they are and how they live.

12 Q. Now you said her ex-husband got her a job at a
13 topless club, correct?

14 A. Correct.

15 Q. Do you know if she ever worked at a topless club
16 before that?

17 A. Not to my knowledge.

18 Q. And how long was she married?

19 A. I think it was a year and a couple of months.

20 Q. And do you know how long they actually lived
21 together?

22 A. I believe it was about a year, maybe slightly
23 under a year.

24 Q. One year or slightly under a year, and you said
25 that their courtship was a couple of months, by couple, does that

1 mean two?

2 A. Two, three months, I believe.

3 MS. TAYLOR TO JUDGE

4 Q. I don't have any other questions.

5 JUDGE TO MR. SACHS

6 Q. Mr. Sachs, redirect?

7 A. No, Your Honor.

8 JUDGE TO WITNESS

9 Q. Thank you, ma'am, your testimony is finished. I
10 appreciate your taking the time to be with us today.

11 A. Thank you.

12 Q. You are excused.

13 JUDGE FOR THE RECORD

14 I'll mark the assessment into the record as Exhibit 3-C
15 giving it the weight that I feel it deserves, given the totality
16 of the evidence in the case. We're off the record.

17 (OFF THE RECORD)

18 (ON THE RECORD)

19 JUDGE FOR THE RECORD

20 We're rejoined by the respondent.

21 JUDGE TO MS. SHIPILINA

22 Q. Ma'am, at this time your attorney is going to have
23 the opportunity to ask you some questions. When he is finished,
24 the attorney for the Government will ask you some questions.

25 When they're both finished, I may ask you some questions. I may

1 also interrupt either one of them from time-to-time to ask you
2 some questions. Ma'am, please note there is a microphone on the
3 table in front of you, that's because we are tape recording these
4 proceedings today. So when you speak, please do so in a loud and
5 clear, excuse me, a loud and a clear voice so that everyone can
6 hear you. If anything is said to you that you don't understand,
7 do not try to please us by creating or by making-up an answer.
8 You should indicate that you don't understand and I will endeavor
9 to have the statement repeated or explained for you. Please do
10 not speak while the interpreter is speaking, and the interpreter
11 may signal you from time-to-time to stop speaking, if he requires
12 additional time to complete his interpretation. When he is
13 finished, you may complete your answer, if your answer was not
14 done. Ma'am, in this kind of a case, your testimony is very
15 important. You should understand that the burden of proof in
16 this kind of a case is on your side, so when you're answering
17 questions today, please insure that your answers are detailed,
18 specific and responsive to the questions put to you by each of
19 us. Please do not answer questions that have not been asked of
20 you because I may have to consider such answers to be
21 unresponsive or to be evasive in nature. Do you understand?

22 A. Yes.

23 Q. It's also important that you understand that if
24 you are not sure of something that you will be telling us today,
25 that it's your responsibility to inform us either that you are

1 not sure, or that you do not exactly remember. If you do not
2 tell us that, I will then conclude that you are sure of whatever
3 it is that you are saying. You understand?

4 A. Yes.

5 JUDGE TO MR. SACHS

6 Q. Go ahead, Mr. Sachs.

7 MR. SACHS TO MS. SHIPILINA

8 Q. When and where did you meet Roy Dean Hollinder?

9 A. I was in Moscow at the party for models and I
10 spoke a little English. He used to live in this area. He walked
11 by and he heard English spoken, he walked up and who was speaking
12 English and I said I speak English and that's how we met, that's
13 where we got acquainted.

14 Q. And what happened after that, did the relationship
15 continue?

16 A. He liked me very much. He escorted me home. He
17 started to give me flowers, and he started to ask me out to
18 restaurants, and when I was leaving for Krasnodar, he asked me to
19 give him my telephone number.

20 Q. And then did you see him after that?

21 A. Many times.

22 Q. And would you describe those circumstances?

23 A. He used to invite me and I came to Moscow, I used
24 to spend time with him. He introduced me to everybody at work
25 that he worked with, and I also invited him, used to invite him

1 to my home.

2 Q. Did the subject of marriage ever come up?

3 A. We talked, I talked with him and all of a sudden
4 he says, why don't you marry me. I didn't agree right away
5 because I had to think about it. I felt, you know, inside the
6 connection with him to the degree that I felt very well with him,
7 and after some time, I agreed.

8 Q. Was there any talk at that time either by you or
9 by him as to you becoming an immigrant to the United States?

10 A. We got married through love, because of love, to
11 be together.

12 Q. Did you have any idea of obtaining a green card by
13 marrying him?

14 A. I didn't know anything about this.

15 Q. You didn't know anything about this when?

16 A. Before marriage, after marriage. For me, it was
17 important just to be with the person I loved, not where we lived.

18 Q. So would it be fair to say that you did not marry
19 Mr. Hollinder to get a green card, an immigrant visa to the
20 United States?

21 A. No, absolutely not.

22 Q. When and where did you get married?

23 A. We got married the 11th of March 2000, in the city
24 of Krasnodar.

25 Q. And do you know when the proceedings were started

1 to apply for a green card for you as a wife of a citizen?

2 A. I don't remember exactly, maybe some time in April
3 or May.

4 Q. Okay, who's idea was it?

5 A. My husband's.

6 Q. And you next came to the United States when?

7 A. First time we came in January, and get acquainted
8 with relatives and friends here. When I got the papers, we came
9 here in July 2000 to live together, yes.

10 Q. And when did you start having problems with your
11 husband?

12 A. Here.

13 Q. When?

14 A. When we moved, he stopped sharing things. He
15 didn't want to buy things for me that I wanted to buy. He then
16 started to, strangely, he started to ask me about my past
17 relationships and it happened everyday and the background was
18 that he started to humiliate me and call me names like a monster,
19 and you know, ugly person.

20 Q. Was he ever involved with any employment, did he
21 ever get you a job of any kind?

22 A. Yes, he bought a book about nightlife in New York
23 and he managed in addition, for me to work in a strip club, but I
24 wanted very much to work as a model, but I didn't have money for
25 the portfolio.

1 Q. What was the name of the strip club, do you
2 remember?

3 A. Flash Dance.

4 Q. And how long did you work there?

5 A. I worked there maybe two years. Every day he used
6 to walk me, he used to meet me at 4:00 a.m. at home, and if I
7 happen to be late home a few minutes, he started to abuse me that
8 I already commenced to sleep with somebody, and this was like
9 this every week.

10 Q. Did he ever visit you at the club?

11 A. Yes, he did.

12 Q. And what circumstances?

13 A. He used to come in and buy dances with his friends
14 in front of my eyes, and he forced me to dance.

15 Q. What do you mean forced you to dance?

16 A. He used to pay my name, you cannot refuse.

17 Q. Well did he force you to dance with any specific
18 people or just by yourself, be more specific.

19 A. He used to come, excuse me, with a friend and he
20 forced me to dance for him in front of him.

21 Q. What kind of dance?

22 A. Lap dance, topless.

23 Q. Are you saying that he would force you to dance
24 topless with a friend of his?

25 A. When he was next to me, and it was very hard for

1 me because it hurt me because I love my husband and I just wanted
2 to only do this for my husband.

3 Q. And how long did you live together with him?

4 A. When we moved here, from that moment until
5 December.

6 Q. I see now, had you already received the
7 conditional, the first green card?

8 A. Yes.

9 Q. The petition to remove the condition, what they
10 call the I-751, did you file that together with Roy, or did you
11 file it by yourself?

12 A. When I arrived here, (indiscernible) later.

13 Q. There was another form that you had to fill out
14 with Roy, so that your conditional residence would be
15 approved to become permanent. Do you remember that, yes or no,
16 do you remember that?

17 A. I don't remember exactly, but as far as I
18 remember, I think that I applied it by myself for it, by myself.

19 Q. When did you separate from Roy, do you remember?

20 A. When we moved from December, I wanted to save our
21 relationship and hoped that this would help us to straighten
22 things out between each other.

23 Q. Well you finally wound up with a divorce, is that
24 true?

25 A. True.

1 Q. And was that before you had your interview for the
2 I-751?

3 A. After.

4 Q. Do you recall, I'm going to refer to the interview
5 you had for that document which took place at the end of
6 September of, excuse me a minute, September 9th, 2004. Do you
7 remember that interview?

8 A. Yes.

9 Q. Okay, now as you know, the application was denied
10 as a result of the interview and I'm going to ask you some
11 question about what happened at the interview. You submitted
12 some income tax returns for their consideration, is that true?

13 A. Yes.

14 Q. Now the income tax return for the year 2000, at
15 the time, you were still married to Roy, is that true?

16 A. Yes.

17 Q. Now, it stated in the denial that, that return was
18 filed as single, not at married. Is that true? Is that true,
19 yes or no?

20 A. Yes.

21 Q. Okay, would you please explain why you filed it
22 that way?

23 A. Oh, I went to the accountant and I wanted to say
24 that I want to file as married, but he said that we cannot apply
25 because I didn't have, I didn't know my husband's social security

1 number. I asked my husband to give me his social security
2 number, but he refused me, and that's why I had to do it this
3 way.

4 Q. Was that according to the accountant's
5 instructions?

6 A. Yes.

7 Q. Did you have any intention of committing a fraud
8 of the Immigration Service by filing it that way?

9 A. Absolutely not.

10 Q. Now there's mentioned in the denial about a diary
11 and many things are quoted from supposedly that document. At the
12 interview on September 9th, 2004, were you shown any document at
13 all and asked for identify either as to your handwriting or what
14 the document was?

15 A. No.

16 Q. Was there any mention during the interview of the
17 diary?

18 A. No.

19 Q. Did the officer who interview you ask you for an
20 example of your handwriting or something to identify your
21 handwriting?

22 A. No.

23 Q. Do you have your diary?

24 A. I don't.

25 Q. Why not?

1 A. There isn't.

2 JUDGE TO MS. SHIPILINA

3 Q. I'm sorry, I didn't hear you.

4 A. There isn't.

5 Q. There isn't.

6 MR. SACHS TO MS. SHIPILINA

7 Q. Why do you not have it?

8 A. Because it was stolen from me.

9 Q. When, do you have any idea when?

10 A. Maybe in 2001.

11 JUDGE TO MS. SHIPILINA

12 Q. Ma'am, I need you to speak louder please, I can
13 barely hear you.

14 A. Okay.

15 Q. If I'm having difficulty hearing you, your voice
16 may not be picked-up on the tape.

17 JUDGE TO MR. SACHS

18 Q. Go ahead, Mr. Sachs.

19 MR. SACHS TO MS. SHIPILINA

20 Q. So that nothing at all was either said or done
21 during that interview, to either identify or determine the
22 document from which so many of your comments are taken, is that
23 true?

24 A. Nothing, no.

25 Q. All right, have you ever been to Mexico?

1 A. Yes.

2 Q. Do you remember when?

3 A. In 1999.

4 Q. And how did you enter Mexico, with a visa?

5 A. Yes, with a visa.

6 Q. And describe how you left Mexico. Did you leave
7 on your own terms, did you leave voluntarily?

8 A. My visa was just expired, I went there as a model
9 through agencies.

10 Q. Were you deported from Mexico?

11 A. No.

12 Q. Just one more time, was it ever your intention to
13 obtain an immigrant visa in the United States by marrying Ron
14 Dean?

15 A. No.

16 Q. Okay now, what are some of the problems you had
17 with him after you were divorced?

18 MS. TAYLOR TO JUDGE

19 Q. Objection, relevancy, Judge. Only a period of
20 relevance is whether she entered the marriage in good faith and
21 probably during her marriage, not after.

22 JUDGE TO MR. SACHS

23 Q. Where are we going with this, Mr. Sachs?

24 A. Well, according to the decision Judge, they made a
25 whole section of the decision on a document that nobody ever

1 identified, that we don't know who's diary it was, who translated
2 it, was it an original, who sent it, I mean it's just impossible.

3 Q. Okay, but what does that have to do with your
4 question?

5 A. Because the -- I don't know whether that was Group
6 5, Judge, of the Court, he had the pattern and the practice of
7 doing incredibly crazy things trying to hurt her. The complaint
8 in a Federal case, in which I represented her for close to three
9 years, was like a 100 and some odd defendants boiled down that
10 she was the cause of a conspiracy throughout the whole world,
11 that the man was nuts, and he did anything he could to try and
12 damage her. And as I said, with this, I'm sorry, I don't mean to
13 be testifying as a witness, but I went through the whole thing.
14 It was thrown out of the Court of Appeals, he went to the Supreme
15 Court, they threw it out, but he did a lot of damage with it, and
16 if you just look at the complaint, there are people all over the
17 world who are accused of doing things without names, but every
18 way he could, he made her to the monster.

19 Q. Well, I believe it's in the record, I can look at
20 it. I don't know that anything that occurred after the divorce
21 is necessarily germane to the reason that we're here today.

22 A. Well, specifically to the question of this what
23 claims to be her diary and I don't know where they have it, where
24 they got it, nothing. The prior attorney who represented her --

25 (OFF THE RECORD)

(ON THE RECORD)

JUDGE TO MR. SACHS

Q. Go ahead, Mr. Sachs, continue with your response.

A. Thank you, Your Honor. As I said, the reason for having presented that to the Court was just as an illustration that was obtainable as to the incredibly fantastic lengths this person went to harm her. Because that whole action was designed, assuming everybody in the whole world was focused on doing harm to her.

Q. Well, I'm sorry, go ahead.

A. No, I'm sorry, and it's similar to this and if he did supply something, it would not be beyond imagination, having seen what he did in this case, that things were either invented, falsified, whatever. That's things that he did.

Q. Well, the materials that you're making reference to are in the record, so I can consider them for what they're worth as evidence, but I don't see that things that occurred following the conclusion of the marital relationship really has a probative nature for the good faith marriage. So I'm going to sustain the objection.

A. Okay.

Q. Proceed.

A. Well I have no further questions at this time Judge, I would like to reserve redirect, if necessary.

Q. You'll have that opportunity.

mp

1 A. Thank you.

2 Q. You're welcome.

3 JUDGE FOR THE RECORD

4 Why don't we take a short break.

5 (OFF THE RECORD)

6 (ON THE RECORD)

7 JUDGE FOR THE RECORD

8 Back on the record.

9 JUDGE TO MS. TAYLOR

10 Q. Ms. Taylor, cross-examination.

11 MS. TAYLOR TO MS. SHIPILINA

12 Q. What was your job in Moscow?

13 A. I didn't work in Moscow.

14 Q. You said you met your husband at a party for
15 models, were you working as a model at that time?

16 A. Yes, the modeling agency invited me to meet
17 everybody.

18 Q. Okay, so were you working as a model in Moscow?

19 INTERPRETER TO JUDGE

20 Q. I'm sorry, Your Honor --

21 A. You can shut the door if you need to.

22 Q. Close the door, yes. Thank you.

23 JUDGE TO MS. TAYLOR

24 Q. Repeat the question, Ms. Taylor.

25 MS. TAYLOR TO MS. SHIPILINA

1 Q. Were you working as a model in Moscow?

2 A. Yes, yeah I did a few model jobs.

3 JUDGE FOR THE RECORD

4 Excuse me.

5 JUDGE TO MR. SACHS

6 Q. Mr. Sachs, where are you going?

7 A. I didn't realize he was on.

8 Q. Mr. Sachs, please don't leave the courtroom during
9 trial without (indiscernible), if your phone is ringing, please
10 shut it off.

11 A. Yes, I'm terribly sorry, Judge.

12 Q. Thank you.

13 A. I apologize, Judge.

14 JUDGE TO INTERPRETER

15 Q. Do you still have her answer, Mr. Bot?

16 A. I believe so, I filled several modeling jobs in
17 Moscow.

18 JUDGE TO MS. TAYLOR

19 Q. Go ahead.

20 MS. TAYLOR TO MS. SHIPILINA

21 Q. Did you get paid for those jobs?

22 A. Yes.

23 Q. So that was your profession in Moscow, you were a
24 model?

25 A. I was there for a very short period of time. Most

1 of my modeling job I did in Krasnodar.

2 Q. And how did your ex-husband come to be at this
3 part for models in Moscow?

4 A. He lived in that building and the party was on the
5 bottom, in the basement of the building, in the building.

6 Q. What was his job, if you know?

7 A. Clothes associate.

8 Q. Clothes?

9 A. Kroll K-R-O-L-L.

10 Q. What does that mean?

11 A. It's an investigation company.

12 Q. Okay, when did you first meet him?

13 A. My husband?

14 Q. Yes.

15 A. At the party.

16 Q. When?

17 A. It was in the summer, approximately July 1990.

18 Q. After that, did he propose marriage?

19 A. Approximately, half a year.

20 Q. Six months?

21 A. Approximately.

22 Q. In June until six months, how often did you see
23 him?

24 A. I used to come to Moscow and we lived together in
25 his apartment and then approximately half a month, and sometimes

1 he used to come to visit me, and New Years we spent together.

2 Q. And what's the length of time between the marriage
3 proposal and the actual marriage ceremony?

4 A. I don't remember exactly, but approximately two
5 months.

6 Q. How many times have you been to the United States?

7 A. First time in January 2000, when I met relatives
8 and friends of his, and second time was in July when we got
9 married.

10 Q. July of what year?

11 A. 2000.

12 Q. How old were you when you got married?

13 A. Twenty-five.

14 Q. How old was your ex-husband?

15 A. I don't know because in different documents, he
16 had different age listed.

17 Q. How old did you believe him to be when you got
18 married?

19 A. Approximately, 50-years-old.

20 Q. Did you meet any of his relatives or family
21 members?

22 A. I met his close friends, but his mother and father
23 who were deceased, I never met them.

24 Q. What about any siblings or brother and sisters he
25 may have?

1 A. He has a brother, he is married, he's got two
2 children.

3 Q. Have you met him?

4 A. We met very, very briefly.

5 Q. Who came to your wedding?

6 A. Nobody came because we decided that we kind of get
7 married in secret, a surprise, then to make everybody happy, to
8 spring the surprise on everybody.

9 Q. Has he ever met your parents?

10 A. Of course.

11 Q. And any other family members?

12 A. They live in different parts of Russia.

13 Q. When you met your ex-husband, were you dating or
14 see anyone else at that time?

15 A. You have your mind on we, when we met?

16 Q. Yes.

17 A. My relationship was practically over with my
18 boyfriend at that time.

19 Q. Were you dating anyone else at the same time while
20 you were dating your ex-husband?

21 A. No.

22 Q. How long did you actually physically live with
23 your ex-husband in the United States?

24 A. From July when we came here together until
25 December.

amp

1 Q. So from July 2000 until December 2000?

2 A. Yes.

3 Q. Now you said that he made you work at a strip club
4 called Flash Dance for two years, is that correct?

5 A. He didn't force me to work two years, he forced me
6 to work when we came here and when I lived with him.

7 Q. Okay, how long did you work at Flash Dance?

8 A. I don't remember exactly, but I think about two
9 years.

10 Q. Okay, when did you start working there? You can
11 just give me the month and the year.

12 A. Approximately, the end of July, beginning of
13 August.

14 Q. 2000?

15 A. Yes.

16 Q. Until when?

17 A. I don't remember exactly.

18 Q. Well, would you say it's about two years later?

19 INTERPRETER TO MS. TAYLOR

20 Q. I beg your pardon?

21 MS. TAYLOR TO MS. SHIPILINA

22 Q. Would you say it was two years later?

23 A. Approximately, but I don't remember.

24 Q. Okay, did you continue to work there after your
25 divorce? Yes or no?

bmp

1 A. I don't remember.

2 Q. Well, when were you divorced?

3 A. In 2001, in December.

4 Q. Right, and if you worked at Flash Dance for two
5 years starting in about July or August 2000, you were still
6 working there when you were divorced, correct?

7 A. Approximately, yes, but I don't remember exactly
8 the exact months.

9 Q. Okay, did you continue to work there after you
10 stopped living with your husband in December of 2000?

11 A. Yes.

12 Q. Why?

13 A. Because I didn't know anybody. I didn't know
14 where I can find a job.

15 Q. But at that point, he wasn't forcing you to work
16 there because you and him did not live together anymore, correct?

17 A. I worked a very few days because my main goal was
18 to work as a model, not to waste my life.

19 Q. But I still need a yes or no, ma'am.

20 A. Did I work two years?

21 Q. You continued to work there after you physically
22 separated from your husband, correct?

23 A. Yes.

24 Q. Well my question is, he wasn't forcing you to work
25 there as you and him did not live together anymore after that

mp

1 time, is that correct?

2 A. That's right, no.

3 Q. How much did you get paid as a dancer per week or
4 per month?

5 A. It depends how many days.

6 Q. Approximately?

7 A. Sometimes \$100 a day, sometimes \$200, sometimes
8 \$300.

9 Q. So about \$100 to \$300 a day, correct?

10 A. Approximately.

11 Q. And how many days did you work?

12 A. It varied.

13 Q. From what to what? From how many to how many?

14 A. Sometimes four days, sometimes once a week, and
15 sometimes I didn't work at all, on vacation.

16 Q. Who initiated your divorce, you your husband?

17 A. I wanted to do it, but he beat me to it.

18 Q. So he actually filed the paperwork first?

19 A. Yes.

20 Q. Did you have a diary anywhere in the world? Yes
21 or no?

22 A. I had a book that I had about my fantasies and
23 some of them were real events.

24 Q. Well your attorney asked you if you had a diary
25 and you said yes, and it was stolen from you in 2001, is that

mp

1 correct?

2 A. Yeah, that was my book.

3 Q. So, you had a diary or a book, as you call it?

4 A. Yes.

5 Q. How many?

6 A. One.

7 Q. Okay, when did you start writing in that book or
8 diary?

9 A. Approximately, from '99.

10 Q. And when did you stop writing?

11 A. When I lived with my husband.

12 Q. What year and month?

13 A. August or September in 2000.

14 Q. Now you said it contained some relevance and some
15 fantasies, is that correct?

16 A. Yes.

17 Q. Did you read, well you know that your initial
18 petition was denied by the Immigration Service, correct?

19 A. Yes.

20 Q. Did you read that denial?

21 A. Yes.

22 Q. So you know what it says?

23 A. Yes.

24 Q. And as your attorney pointed out, it has some
25 quotes from a diary that was alleged to be yours.

ap

1 A. Yes.

2 Q. I'm just going to read a quote that allegedly came
3 from your diary.

4 MR. SACHS TO JUDGE

5 Q. Objection, Your Honor. We've been through this,
6 and unless they're prepared to show where the quote came from,
7 I'm going to object to it.

8 A. The quote is from the decision, the decision is in
9 the record.

10 Q. Well I thought we went over it, okay.

11 A. And you read the decision as well as the Service,
12 so I think in view of that, the objection ought to be sustained.
13 I'm sorry, the objection ought to be overruled, excuse me.

14 Q. That's fine.

15 MS. TAYLOR TO JUDGE

16 Q. Thank you, I'll ask my question.

17 A. Go ahead.

18 MS. TAYLOR TO MS. SHIPILINA

19 Q. Part of the denial indicates a quote from your
20 alleged diary. It states that on November 29th, 1999, you
21 performed dances in Mexico for customers. Is that a fantasy or
22 is that a real event?

23 MR. SACHS TO JUDGE

24 Q. Objection, Your Honor.

25 A. Basis?

1 Q. Well this is quoting from something that's never
2 been either authenticated or proven, and now she's being asked to
3 attest to the truth of the statement based on something which we
4 don't know, it's like double or triple hearsay.

5 A. Sustained, after the form of the question.

6 JUDGE TO MS. TAYLOR

7 Q. You can rephrase the question.

8 A. Sure, Judge.

9 MS. TAYLOR TO MS. SHIPILINA

10 Q. Okay, the entry from November 29th, 1999, as
11 written in the denial of the termination of condition of revenue
12 status indicates that you performed dances with customers in
13 Mexico. Do you have any knowledge of that?

14 INTERPRETER TO MS. TAYLOR

15 Q. What was the question again?

16 A. Do you know knowledge of that?

17 Q. That I danced in Mexico?

18 Q. Yes.

19 A. Yes, I did dance.

20 Q. In Mexico?

21 A. Yes.

22 Q. At what type of establishment? Was it an
23 establishment like Flash Dance in New York?

24 A. It was of a very high level.

25 Q. I don't know what that means?

1 A. It was also a club.
2 Q. Was it a strip club?
3 A. Yes.
4 Q. Now you said you had a visa to go to Mexico, what
5 visa did you have?
6 A. It was a tourist visa.
7 Q. Were you allowed to work in Mexico with that type
8 of visa?
9 A. No.
10 Q. But you worked anyway, correct?
11 A. Yes.
12 Q. How long were you in Mexico, how many months?
13 A. Few months.
14 Q. What's a few months?
15 A. Approximately, two, three months.
16 Q. Were you ever arrested in Mexico?
17 A. No.
18 Q. What countries have you been to other than Mexico
19 and the United States?
20 MR. SACHS TO JUDGE
21 Q. Objection, Your Honor, can we narrow that down,
22 from the time she was born until --
23 MS. TAYLOR TO MR. SACHS
24 Q. Okay, I'll narrow it.
25 A. Please.

1 MS. TAYLOR TO JUDGE

2 Q. Since you were 18-years-old, what countries have
3 you been to besides the United States and Mexico?

4 A. Cyprus, Turkey, Italy and USA.

5 Q. Did you have visas to go to Cyprus, Turkey and
6 Italy?

7 A. Yes, it's very easy.

8 Q. So you had visas to enter these countries?

9 A. Of course.

10 Q. What was the purpose of these trips?

11 A. Relaxation with my mother, and perhaps to find
12 some work as modeling jobs.

13 Q. Did you ever work in any of those countries?

14 A. Yes.

15 Q. Which ones?

16 A. Cyprus.

17 Q. What about Turkey or Italy?

18 A. No.

19 Q. What was your work in Cyprus?

20 A. When?

21 Q. What was your work in Cyprus?

22 A. I was dancing.

23 Q. In a strip club also?

24 A. Yes.

25 Q. How long did you do that in Cyprus?

ap

1 A. Approximately, six months.

2 Q. Have you ever been a prostitute anywhere in the
3 world since you turned 18?

4 A. No, never.

5 Q. Have you ever sold or trafficked any illegal
6 drugs?

7 A. No.

8 Q. Now you said you worked in the United States,
9 correct?

10 A. Yes.

11 Q. And you worked as a model for trade shows?

12 A. And also promotions.

13 Q. Okay, what type of trade shows?

14 A. Software, hardware, food, wine, bars, light show,
15 quarterly show.

16 Q. Okay, approximately, how much do you earn monthly
17 or weekly?

18 A. It varies. Sometimes I have no work and sometimes
19 a week I make as much as, you know, every two weeks.

20 Q. After you stopped working at Flash Dance, have you
21 ever worked at any other strip club?

22 A. No.

23 Q. Have you ever been arrested anywhere in the world?

24 A. No.

25 Q. When was the last time you ever had any contact

1 with your ex-husband?

2 JUDGE TO MS. TAYLOR

3 Q. I didn't hear the question.

4 MS. TAYLOR TO MS. SHIPILINA

5 Q. When was the last time you had any contact with
6 your ex-husband?

7 MR. SACHS TO JUDGE

8 Q. Excuse me, Your Honor, could we just clarify that
9 personal contact, telephone contact?

10 MS. TAYLOR TO MS. SHIPILINA

11 Q. Any type of contact?

12 A. It was long time ago, but as far as I remember, it
13 was when there was the divorce.

14 Q. Did your husband have any children?

15 A. No.

16 Q. Was he ever married before you?

17 A. Never.

18 MS. TAYLOR TO JUDGE

19 Q. I don't have any more questions.

20 JUDGE TO MS. SHIPILINA

21 Q. When were you working at the club in Mexico, what
22 year?

23 A. Approximately, from August to November of 1990.

24 Q. And on that trip to Mexico, were you with your ex-
25 husband?

1 A. No.
2 Q. Had you met him yet by that time?
3 A. Yes.
4 Q. Did he in any way pressure you to work at the club
5 in Mexico?

6 A. No.
7 Q. And when did you work at the strip club in Cyprus?

8 A. We have not met yet.
9 Q. Well do you know when you worked there, what year?

10 A. Approximately, from January to June, '99.

11 Q. You're claiming that you were working at a strip
12 club in New York because essentially because your husband forced
13 you to. It would appear, in fact, that you willingly worked in
14 strip clubs even before that, and worked in the strip club in New
15 York, even after you were separated from your husband. Can you
16 explain that behavior?

17 A. When I worked in Cyprus, my mother and myself were
18 refugees. In Mexico, we desperately needed money and when I came
19 here I didn't want to do this anymore, and I wanted to work as a
20 model, but my husband didn't give me any sources, any support and
21 he told me that this is the only thing I can do.

22 Q. When Ms. Taylor asked you a few minutes ago about
23 your trips to Cyprus, Turkey, Italy, she asked you the reason for
24 the trips. You answered that they were relaxation trips with
25 your mother, you didn't say anything about being a refugee in

1 Cyprus, is there any special reason why you didn't give that
2 answer?

3 A. I don't understand the question.

4 Q. Well, a few minutes ago, Ms. Taylor was asking you
5 about the countries you had visited. You responded that you had
6 visited Cyprus, Turkey, Italy. Do you remember that?

7 A. Yes.

8 Q. She asked you if you had visas to go to those
9 countries, you said that you did. Remember that?

10 A. Yes.

11 Q. She asked you the reasons for the visits to those
12 countries. You answered that they were relaxation trips with
13 your mother. Do you remember giving that answer?

14 A. Yes.

15 Q. Now you didn't say anything about being a refugee
16 in Cyprus when Ms. Taylor asked you the question about those
17 trips. Is there any special reason why you did not tell Ms.
18 Taylor when she asked you the question, that you were a refugee
19 in Cyprus?

20 A. I didn't mean that we were refugees on Cyprus,
21 what I meant is that we were refugees in Russia. We left the
22 area where there was war and we couldn't sell anything.

23 Q. Am I to understand from your answer then, that the
24 reason you were dancing at a strip club in Cyprus was because you
25 were suffering some manner of financial hardship?

1 A. Yes.

2 Q. Now, at the time that you were residing with your
3 husband in the United States, now your ex-husband, did you ever
4 have a bank account?

5 A. We didn't have a joint bank.

6 Q. Did you have a bank account?

7 A. Yes, I opened an account in bank.

8 Q. And where was that account?

9 A. Citibank.

10 Q. Is there any special reason why it was not a joint
11 account with your husband?

12 A. I wanted, but he didn't want to show me how much
13 money he has.

14 Q. I don't know if I understand your answer. Why
15 would the amount of money that he has or does not have prevent
16 you from creating a joint bank account with him?

17 A. He didn't want to, I don't know why.

18 Q. And from your testimony, it sounds like that you
19 never joined in one of his bank accounts?

20 A. No.

21 Q. You've already explained the situation about your
22 tax returns. When you lived with your husband in New York, what
23 kind of place did you live in?

24 A. The address was 545 East 14th Street, Apartment
25 10-D.

1 Q. Was that a co-op, a condo, a rental unit, do you
2 know?

3 A. He said it was an apartment, it was a stable rent,
4 as far as I remember, it was \$800.

5 Q. Was that a place that he was already living in or
6 is that a place that the two of you found together?

7 A. He was already living there.

8 Q. Did you ever express an interest in being placed
9 on the lease with him as a joint tenant?

10 A. He just only asked me half for the rent.

11 Q. So you were contributing to the rent?

12 A. Yes, for the television, for the lights.

13 Q. When you made these payments, did you make them
14 directly to him or did you pay the landlord?

15 A. I paid to him personally.

16 Q. Did you ever purchase anything jointly with your
17 ex-husband?

18 A. Yes.

19 Q. What?

20 A. Well I helped him buy clothing, jackets, from as
21 far as furniture is concerned, he didn't want anything, he had
22 everything he needed.

23 Q. Okay, but my question really goes to whether the
24 two of you held any joint ownership of anything?

25 A. We had only, the only thing we had together was

1 Oxford Insurance.

2 Q. Can you describe what the nature of that was?

3 A. It was health insurance. He said that in this
4 country it's very important to have, and I listened to him and
5 together to feel healthy.

6 Q. Was that insurance through his job or through your
7 employment, or what was the source of the insurance?

8 A. He had it and we just kind of split it, I don't
9 know.

10 Q. Were the two of you named as beneficiaries on the
11 insurance?

12 A. Yes.

13 Q. I don't happen to have anything which proves the
14 existence of this insurance, is there any special reason why?

15 A. I remember I had paperwork, I had papers.

16 Q. Well I don't have the papers. Is there any
17 special reason why you have not presented them in support of your
18 case?

19 A. I don't know, maybe I lost them, but I have it.

20 Q. Do you mean by your answer that you do not know
21 where the papers are now?

22 A. Yes, I don't remember.

23 Q. Did you ever have any life insurance when you
24 lived with your ex-husband?

25 A. No.

1 Q. Any special reason why?

2 A. You know, in my culture, it's not common to have
3 something like that, I didn't think about this.

4 Q. Now, when you were living with your ex-husband in
5 the United States, did you or did the two of you commonly
6 socialize with other people?

7 A. Yes.

8 Q. Now you told us about the visits to the Flash
9 Dance Club. Was there any socializing independent of that, such
10 as going out to dinner with people or having people over to your
11 apartment?

12 A. No.

13 Q. Well what kind of socializing did you do, if any?

14 A. Well he was doing martial arts, and he has a
15 teacher.

16 Q. What were you doing when you're socializing
17 together?

18 A. And there was a girl and her boyfriend, she was
19 Czechoslovakian, that lived in the apartment, and we went with
20 them together to dinner.

21 Q. Lived in your apartment?

22 A. She lived there during the time that he was in
23 Russia working.

24 Q. Have you maintained contact with that couple at
25 all?

1 A. No, because my husband turned everybody against
2 me, nobody wanted to socialize with me.

3 Q. The reason I'm asking you these questions, I'm
4 trying to determine if there was any actual proof that the two of
5 you had a legitimate relationship as husband and wife. I have no
6 witnesses here who could attest to that. I have no documents in
7 support of the joint relationship during the marriage. You did
8 submit the un-executed business agreement, but it actually
9 appears to be a proposed business agreement, not a document
10 between a husband and wife. Did you make any efforts to contact
11 the Oxford Insurance Company to confirm the two of you did have
12 health insurance together?

13 A. I didn't call, but I can.

14 Q. Your trial is today, ma'am, is there any special
15 reason why you didn't call?

16 A. I just don't understand the system.

17 Q. Well you have an attorney to advise you, that's
18 why you have the attorney to assist you.

19 JUDGE TO MS. TAYLOR

20 Q. Ms. Taylor, do you have any questions based on my
21 questions?

22 A. No, Judge.

23 JUDGE TO MR. SACHS

24 Q. Mr. Sachs, redirect?

25 A. There's just a couple, briefly, Judge.

1 Q. Go ahead.

2 MR. SACHS TO MS. SHIPILINA

3 Q. When and where did you get married?

4 JUDGE TO MR. SACHS

5 Q. I'm sorry, I didn't hear the question?

6 A. When and where did you get married?

7 Q. We, that's already in the record.

8 MS. TAYLOR TO JUDGE

9 Q. That's asked and answered.

10 MR. SACHS TO JUDGE

11 Q. Okay.

12 MR. SACHS TO MS. SHIPILINA

13 Q. After you got married, you were married in Russia,
14 is that right?

15 A. Yes.

16 Q. Did you live with your husband after you got
17 married?

18 A. Yes, he lived with us at home and I used to go
19 visit him in Moscow where we used to live together in his
20 apartment.

21 Q. So that, since you were married, other than here
22 in the United States, you did live with your husband?

23 A. Yes, we lived.

24 Q. Okay, as far as your modeling work, have you ever
25 had any jobs on television?

1 A. Yes.

2 Q. Can you describe some of them?

3 A. Here in America?

4 Q. Here in America.

5 A. I worked for Spike TV, CMBC, Good Morning America,
6 in the movie, My Super Ex-Girlfriend --

7 Q. Well most of these you had as a model?

8 A. As a model, as an actress.

9 MR. SACHS TO JUDGE

10 Q. I have no further questions, Judge.

11 JUDGE TO MS. SHIPILINA

12 Q. Thank you, ma'am, your testimony is finished.

13 JUDGE TO MS. TAYLOR

14 Q. Ms. Taylor, where do we stand with the checks in
15 this case?

16 A. They all are clear and complete, Judge.

17 Q. Thank you.

18 JUDGE RENDERS ORAL DECISION

19 JUDGE TO MR. SACHS

20 Q. Mr. Sachs, is the respondent reserving the right
21 to appeal?

22 A. Yes, Your Honor.

23 Q. The appeal must be received at the Board by April
24 21st, 2008.

25 JUDGE TO MS. TAYLOR

1 Q. Ms. Taylor, is the decision final as for the
2 Service?

3 A. Yes, Judge.

4 JUDGE FOR THE RECORD

5 The hearing is closed.

6 HEARING CLOSED

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CERTIFICATE PAGE

I hereby certify that the attached proceeding
before PAUL A. DEFONZO in the matter of:

ALINA SHIPILINA

A 47 202 363

New York, New York

was held as herein appears, and that this is the original
transcript thereof for the file of the Executive Office for
Immigration Review.

Pat M. Purnell
Pat M. Purnell (Transcriber)

Deposition Services, Inc.
6245 Executive Boulevard
Rockville, Maryland 20852
(301) 881-3344

May 7, 2008
(Completion Date)

Falls Church, Virginia 22041

File: A047 202 363 - New York, NY

Date: FEB 12 2009

In re: ALINA SHIPILINA

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Jack Sachs, Esquire

ON BEHALF OF DHS: Khalilah M. Taylor
Assistant Chief Counsel

CHARGE:

Notice: Sec. 237(a)(1)(D)(i), I&N Act [8 U.S.C. § 1227(a)(1)(D)(i)] -
Conditional resident status terminated

APPLICATION: Waiver of filing joint petition to remove conditions on status

The respondent, a native and citizen of Russia, appeals the March 20, 2008, denial of her request for a waiver under section 216(c)(4) of the Immigration and Nationality Act, 8 U.S.C. § 1186a(c)(4). *See also* 8 C.F.R. § 216.5. The appeal will be dismissed.

The respondent was admitted to the United States as a conditional permanent resident on July 10, 2000, based on her marriage to a United States citizen on March 11, 2000 (I.J. at 1-2; Exhs. 1 and 2C). After her marriage ended in divorce on December 18, 2001, she filed an application for a waiver of the joint petition filing requirements with the Department of Homeland Security ("DHS") on June 1, 2002 (I.J. at 2; Exh. 2C). The DHS denied this application on October 1, 2004, finding that she failed to establish that she entered into her marriage in good faith (I.J. at 2; Exh. 2C). The respondent renewed her application in these proceedings and the Immigration Judge similarly held that she failed to show that she entered into a good faith marriage (I.J. at 3-8).

On July 18, 2008, we rejected the respondent's motion to accept a late-filed brief. Thus, we consider only the arguments raised in the Notice of Appeal. The respondent generally avers that her "right to due process was violated at several stages of the adjudication process." We disagree, as the transcript demonstrates that she received a full and fair hearing below. The respondent also argues that the DHS's denial of her petition to remove the conditions on her residence was unfounded and based on unauthenticated evidence. Even if this were true, the Immigration Judge did not simply consider the DHS denial in determining that the respondent did not enter into her marriage in good faith. On the contrary, he supported this finding by noting: (a) the lack of evidence that she commingled assets and property with her ex-husband; (b) her filing of a tax return as "single" for

the calendar year during which she was married; (c) her lack of a joint bank account with her ex-husband; (d) her failure to submit corroborating evidence of joint health insurance with her former spouse; (e) the lack of children from the marriage; (f) the absence of witnesses with firsthand knowledge of the couple's cohabitation; and (g) the absence of other reliable documentation demonstrating a good faith marriage (I.J. at 4-7; Tr. at 63-64, 83, 85-90). *See* 8 C.F.R. § 216.5(e)(2). In addition, the respondent's assertion that her ex-husband forced her to work as a nude dancer in the United States is undermined by the fact that she worked in this profession before and after her divorce (I.J. at 6-7; Tr. at 60-62, 73-85). In any event, this claim does not relate to the pivotal issue of whether she entered into her marriage in good faith. For these reasons, we find no reversible error in the denial of the respondent's application for a waiver under section 216(c)(4) of the Act.

Accordingly, the following order is entered.

ORDER: The appeal is dismissed.



FOR THE BOARD

M.H.

Here's the info on the deportation (now called "removal") hearing. It's at the Immigration Court:

Friday, March 30th at 9:30 am, but I am told that you should get there a little after 8:30 am.

26 Federal Plaza, Room 1237, which is a small courtroom, before Judge Christensen. You'll have to go through a screening detector to enter the building.

The alien's full name is Alina Alexandrovna Shipilina, her alien number is A 047-202-363

The hearing is opened to the public (Immigration Court Practice Manual Ch 4.9, 4.14) unless the alien requests that it be closed. The case should be on a list with other cases outside the courtroom, last name, first name, so you can check that it's on. If it's not listed, I'd check with the clerk because they sometime make a mistake. I just confirmed that it is on and will do so again next week.

Inside the courtroom, the cases are called by the alien's name or the last three numbers of the alien's registration number or her attorney's name. In this case: Alina Shipilina, or 363 or I believe Nicholas Mundy from the firm of Kuba Mundy & Associates. This was her lawyer from years ago, so she may have a different one.

Americans pronounce her last name Ship-a-lin-a, Russians She-peel-lee-na.

Shipilina is required to be present unless the judge waived her appearance. She's 6 feet in her bare feet, blue gray wolf eyes, vat-dyed long blond hair, but may wear a short brunette wig. Her age is 36, she's thin, with size 11 feet. I've attached a few photos from the Internet where she goes under the name of Angelina Shipilina.

The judge may talk to the alien off the record in the beginning and then go on the record to state the nature of the charges—that and any other info is what I'm trying to find out. You may need to sit near the judge.

The hearing is officially called a Master Hearing and is pretty much the same as the arrangement in a criminal case when the suspect first appears before a judge. The prosecutor here is an attorney from ICE, Immigration & Customs Enforcement. The alien pleads to the charges and a trial is set or there is an adjournment.

For around two hours the judge goes through 20-30 pleadings.

I really appreciate this. So when is good time for us to have dinner and few drinks on me?

Let me know if any questions.

Thanks much.

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
rdhhh@yahoo.com

April 10, 2012

United States Department of Justice
Executive Office for Immigration Review
Office of the General Counsel–FOIA/Privacy Act Requests
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

Dear Sir or Madam:

This is a Freedom of Information Act request for a copy of the entire Transcript that was cited to by the Board of Immigration Appeals in its decision in the case of

In re: Alina Shipilina
File: A047 202 363 – New York, NY
February 12, 2009.

The BIA dismissed an appeal of an Immigration Judge's March 20, 2008 decision in a removal proceeding that denied the respondent's request for a waiver under the Immigration and Nationality Act.

A copy of the BIA dismissal is attached.

Sincerely,

/S/

Roy Den Hollander

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
rdhhh@yahoo.com

May 9, 2012

United States Department of Justice
Executive Office for Immigration Review
Office of the General Counsel–FOIA/Privacy Act Requests
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

Dear Sir or Madam:

This is a Freedom of Information Act request for

(1) a copy of the decision by the District Director of New York, dated October 1, 2004, that denied a waiver of the joint petition filing requirements, which was cited to as Exhibit 2C by the Board of Immigration Appeals in its dismissal decision in the case of

In re: Alina Shipilina
File: A047 202 363 – New York, NY
February 12, 2009;

and

(2) a copy of the decision by Immigration Judge Paul A. DeFonzo, dated March 20, 2008, that the respondent failed to show she entered into a good faith marriage, which was cited as I.J. in the above Board of Immigration Appeals case.

A copy of the BIA decision is attached.

Sincerely,

Roy Den Hollander

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
26 FEDERAL PLZ 12TH FL., RM1237
NEW YORK, NY 10278

In the Matter of: (b) (6)

Case No.: A(b) (6)

IN REMOVAL PROCEEDINGS

OLGA FLOROFF, ESQ.
87-10 QUEENS BLVD., 2ND FLOOR
ELMHURST, NY 11373

DISTRICT COUNSEL, NYC DISTRICT, DHS

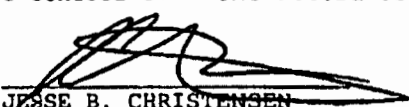
ORDER OF THE IMMIGRATION JUDGE

It is HEREBY ORDERED that the case be administratively closed for the following reason:

() Upon joint request by both parties.

(✓) Other: Avetisyan. Respondent's BIA appeal
on denied 1-130 pending for more
than a year. BIA reports it does not have the
file.

This case remains under the jurisdiction and docket control of the immigration court. If either party in this case desires further action on this matter, at any time hereafter, a written motion to recalendar the case (including a certificate of service on the opposing party) must be filed with the Office of the Immigration Court having administrative control over the Record of Proceeding in this case.


JESSE B. CHRISTENSEN
Immigration Judge
Date: Jun 1, 2012

Appeal: NO APPEAL (A/I/B)

Appeal Due By:

Reserved by DHS (interlocutory)

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL (M) PERSONAL SERVICE (P)

TO: [] ALIEN [] ALIEN c/o Custodial Officer [] Alien's ATT/REP [] DHS

DATE: 6/11/12 BY: COURT STAFF me

Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Other

Form EOIR 39 - 8T (Admin Close)

000008

production unit is a clearly defined geographic area with permanent boundaries (either natural or man-made). A producer must be able to document to the Committee the previous year's production data for that specific area by means of sales receipts or other delivery or transfer documents which indicate the creditable fruit weight delivered to handlers from that specific area. If the information submitted by producers on the application concerning a unit's production is significantly greater than past production on the unit, production on neighboring units, or the industry norm, or the production is unable to be verified based on submitted documentation, the Committee may request additional documentation such as tray count, payroll records, prior years' production, and insurance records to substantiate the tonnage of raisins produced on all production units that such applicant controls or owns. Producers' would not be precluded from submitting other information substantiating production if those producers' desired. A new production unit will not be eligible for the raisin diversion program until at least 1 year's production has been grown and is documented. An existing production unit, transferred to a new or expanding producer, is eligible for the raisin diversion program as soon as the previous year's production can be properly documented.

* * * * *

(s) *Additional opportunity for vine removal.* (1) The Committee may announce a date later than that provided in § 989.156(b), by which producers, who agree to remove the vines on a production unit may file an application to participate in a raisin diversion program. The announced date shall be not later than May 1. The diversion certificates will be issued only for the production units from which vines are removed. The total tonnage available to such applicants shall not exceed the tonnage determined by deducting the tonnage approved for applications received on or before December 20 from the total tonnage announced as eligible by the Committee for diversion. Applications shall be considered and approved on a first-come, first-served, basis and shall not be given preference over the tonnage approved for applications received on or before December 20. The vines shall be removed from the production units for which such applications are approved not later than June 1.

* * * * *

Dated: November 7, 1997.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 97-29971 Filed 11-12-97; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

[INS No. 1845-97]

RIN 1115-AE77

Prima Facie Review of Form I-360 When Filed by Self-Petitioning Battered Spouse/Child

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service (Service) regulations to enable the Service to review Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, filed by a battered spouse or child, to determine whether a prima facie case has been established. Recent legislation broadened the definition of aliens who qualify for public assistance to include battered aliens, and specifically those aliens whose self-petitions have been approved and those who file a self-petition which establishes a prima facie case for immigrant classification under the Violence Against Women Act.

DATES: *Effective Date:* This interim rule is effective November 13, 1997.

Comment Date: Written comments must be submitted on or before January 12, 1998.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., Room 5307, Washington, DC 20536, Attn: Public Comment Clerk. To ensure proper handling, please reference the INS number 1845-97 on your correspondence. Comments are available for public inspection at this location by calling (202) 514-3291 to arrange an appointment.

FOR FURTHER INFORMATION CONTACT:

Karen FitzGerald, Staff Officer, Residence and Status Branch, Immigration and Naturalization Service, 425 I Street, Room 3214, Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION:

Background

The Immigration and Nationality Act (the Act) allows a citizen or lawful permanent resident (LPR) of the United States to seek immigrant status for certain alien relatives from the Service. In order to receive this benefit, a visa petition must be filed on behalf of the alien relative and approved by the Service. The alien must then qualify for immigrant visa issuance abroad or adjustment of status in the United States.

Historically, the initiation of the visa petition process was solely at the discretion of the U.S. citizen or LPR relative. For that reason, the citizen or LPR effectively controlled the ability of an alien spouse or child to regularize his or her immigration status. Congress, in the Violent Crime Control and Law Enforcement Act of 1994 (the Crime Bill), Public Law 103-322, dated September 13, 1994, recognized the potential for misuse of this discretion within households where domestic violence occurs. Title IV of the Crime Bill, the Violence Against Women Act (VAWA), contains provisions which enable these battered spouses and children to self-petition for immigrant classification, thus limiting the ability of an abusive citizen or LPR to use the immigration laws to perpetuate further violence against a spouse or child residing in the United States.

Interim Rule

On March 26, 1996, the Service published an interim rule at 61 FR 13061, establishing the eligibility requirements for battered spouses and children using the self-petitioning process. The Service received numerous comments which are under consideration as the final rule is prepared for publication. This rule does not in any way alter the eligibility or evidentiary requirements set forth in that interim rule.

Impact of New Legislation

Since the Service published its interim rule, Congress has enacted new legislation that affects the ability of most aliens to receive public assistance. In the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Congress mandated that only "qualified aliens," as defined by statute, were eligible for public assistance. Section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), amended the definition of "qualified alien" to include battered aliens, including certain aliens who file or have

approved self-petitions. This "qualified alien" status is afforded not only to aliens with approved self-petitions, but also to those who file a self-petition which establishes a prima facie case for immigrant classification.

Purpose of Establishing a Prima Facie Case

At the present time, the Service adjudicates the Form I-360, Petition for Amerasian, Widow(er) or Special Immigrant, and issues a notice of approval to those self-petitioning spouses and children who demonstrate eligibility. Upon approval of the self-petition, the applicant is a "qualified alien" for purposes of the PRWORA. Often, however, the initial submission does not comply with all of evidentiary burdens required for the Service to adjudicate the self-petition. In such cases, pursuant to Service regulations, self-petitioners are generally sent a request for evidence which sets forth the deficiencies of the application and allows the applicant 60 days in which to submit supplemental documentation. The applicant may be granted an additional 60 days at the discretion of the Service pursuant to current regulations at 8 CFR 204.1(h).

However, because battered aliens can be "qualified aliens" without approval of the petition, the Service must also evaluate the petition and the evidence submitted in support of the petition to determine if the alien has established a prima facie case. Although the statute affords benefits to those who establish prima facie eligibility, neither the statute nor the legislative history adequately details the requirements for establishing this eligibility. Conventional dictionary definitions are of little assistance in this regard. Without standards, determinations could be made inconsistently and with varying constancy to Congressional intent, which would be detrimental to the purpose of the statute and to the individual petitioner trying to meet it. This interim rule explains the standards to be utilized by the Service in determining whether the petitioner has established a prima facie case.

Requirements for Demonstrating a Prima Facie Case

The prima facie determination will be made only after a self-petition has been filed with the Service, and the decision to issue that Notice of Prima Facie Case (Notice) rests solely with the Service. In evaluating whether a self-petitioner has established a prima facie case, the Service must have evidence of each of the required elements of the self-petition as detailed in Service

regulations at § 204.2 (c)(1) and (e)(1). Accordingly, self-petitioners should submit Form I-360 and credible relevant evidence in support of the petition addressing each of the statutory elements as detailed in the instructions accompanying Form I-360: (1) existence of the qualifying relationship; (2) the citizenship or immigration status of the abuser; (3) the self-petitioner's eligibility for immigrant classification; (4) residence in the United States; (5) evidence that, during the qualifying relationship, the petitioner and abuser resided together in the United for some unspecified period of time; (6) battery or extreme cruelty; (7) good moral character; (8) extreme hardship; and (9) in the case of a self-petitioning spouse, good faith marriage. The elements and evidentiary requirements are set forth in 8 CFR § 204.2 (c)(1) and (e)(1).

If the Service determines that a petitioner has demonstrated prima facie eligibility, a Notice of Prima Facie Case will be issued. The Notice is neither a benefit nor immigration status in its own right, and an applicant cannot apply solely for a Notice of Prima Facie Case. The decision to issue such a notice rests solely with the Service. Applicants are encouraged to submit full documentation at the earliest possible time. However, bona fide candidates for self-petitioning should not postpone filing the petition because they are unable to immediately comply with all of the regulatory requirements.

As an example, an applicant who has been unable to obtain police reports from each place of residence during the past 3 years could submit other supporting documentation which addresses the good moral character element of the adjudication. For the purpose of making a prima facie determination, an affidavit from the applicant stating he or she has never been arrested and is a person of good moral character may be considered acceptable for purposes of establishing a prima facie case. However, on its own, this affidavit is not sufficient to meet the evidentiary burden of § 204.2 (c)(2)(v) and (e)(2)(v). Before final adjudication, the applicant must still submit police reports or, if they are unavailable, some other type of documentation as required by those provisions.

The Service's decision to issue or not to issue a Notice will not be a factor in the adjudication of the underlying petition, nor will it constitute a binding determination of the credibility of the evidence submitted. Prima facie evidence will not always fully or completely satisfy the evidentiary burdens, and may be contradicted by evidence, documentation, or affidavits

(or any other credible evidence) which come to the attention of the Service after a favorable prima facie determination has been made. Self-petitioners should be aware that such situations may result in the denial of the I-360 petition, even if a favorable prima facie determination was initially made. Conversely, the Service's decision not to issue the Notice of Prima Facie Case is not fatal to the underlying petition.

The prima facie evaluation will consist of an initial review of the Form I-360 and the supporting documentation. Applicants who set forth a prima facie case will receive a Notice of Prima Facie Case to document their "qualified alien" status for public benefits. The Notice is valid until the Service has adjudicated the petition. At present, the Service intends to issue the Notice with a validity period of 150 days, which exceeds the time required for adjudication in the majority of these cases. In those few cases when the Service is unable to complete the adjudication within the 150-day period, the applicant will be able to request an extension pursuant to the instructions on the Notice. Because the Notice is intended solely for the purpose of enabling petitioners to apply for public benefits within the United States, the Service will only issue the Notice to petitioners residing in the United States.

Filing and Initial Processing

Because the prima facie determination is not a separate benefit granted by the Service, the procedures that an applicant must follow are those set forth in the interim rule. The only procedural change concerns the filing of the Form I-360. As a result of the Direct Mail Notice published at 62 FR 16607 on April 7, 1997, all I-360 petitions filed by a self-petitioning spouse, child, or parent on behalf of a battered child, must be mailed directly to the Vermont Service Center, 75 Lower Weldon Street, St. Albans, VT 05479. Self-petitioners will be provided with documentation indicating the Service has received the self-petition (Notice of Receipt). After reviewing the petition, the Service will mail applicants notification of the status of the petition. Regardless of whether a Notice of Prima Facie Case is issued, applicants who receive notice of an adverse preliminary finding will have the opportunity to respond with additional evidence or arguments. The self-petitioner will be advised by the Service as to the additional evidence or documentation needed to support the petition, and will be provided the opportunity to submit this additional evidence until the Service makes a final decision.

Good Cause Exception

The Service's implementation of this rule as an interim rule, with provisions for post-promulgation public comments, is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d). It is in the public interest to provide prima facie determinations, which will enable qualifying spouses and children to apply for public assistance benefits. These resources and services may be critical to some applicants as they seek safety and independence from the abuser.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities because of the following factors: This rule addresses the grant of immigration benefits to certain individuals based on a family relationship to an abusive citizen or lawful permanent resident of the United States. This rule affects individuals, not small entities, and the economic impact is not significant.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to and approved by the Office of Management and Budget.

Executive Order 12612

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988 Civil Justice Reform

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of E.O. 12988.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the

private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act

This interim rule does not impose any new reporting or recordkeeping requirements. The information collection requirements contained in this rule have been previously approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act. The clearance number for this collection is contained in 8 CFR 299.5, Display of control numbers.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Employment, Immigration, Petitions.

PART 204—IMMIGRANT PETITIONS

1. The authority citation for part 204 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 1641; 8 CFR part 2.

2. Section 204.2 is amended by adding new paragraphs (c)(6) and (e)(6), to read as follows:

§ 204.2 Petitions for relatives, widows, and widowers, and abused spouses and children.

* * * * *

(c) * * *

(6) *Prima facie determination*—(i) Upon receipt of a self-petition under paragraph (c)(1) of this section, the Service shall make a determination as to whether the petition and the supporting documentation establish a "prima facie case" for purposes of 8 U.S.C. 1641, as amended by section 501 of Public Law 104–208.

(ii) For purposes of paragraph (c)(6)(i) of this section, a prima facie case is established only if the petitioner

submits a completed Form I–360 and other evidence supporting all of the elements required of a self-petitioner in paragraph (c)(1) of this section. A finding of prima facie eligibility does not relieve the petitioner of the burden of providing additional evidence in support of the petition and does not establish eligibility for the underlying petition.

(iii) If the Service determines that a petitioner has made a "prima facie case," the Service shall issue a Notice of Prima Facie Case to the petitioner. Such Notice shall be valid until the Service either grants or denies the petition.

(iv) For purposes of adjudicating the petition submitted under paragraph (c)(1) of this section, a prima facie determination—

(A) Shall not be considered evidence in support of the petition;

(B) Shall not be construed to make a determination of the credibility or probative value of any evidence submitted along with that petition; and,

(C) Shall not relieve the self-petitioner of his or her burden of complying with all of the evidentiary requirements of paragraph (c)(2) of this section.

* * * * *

(e) * * *

(6) *prima facie determination*—(i) Upon receipt of a self-petition under paragraph (e)(1) of this section, the Service shall make a determination as to whether the petition and the supporting documentation establish a "prima facie case" for purposes of 8 U.S.C. 1641, as amended by section 501 of Public Law 104–208.

(ii) For purposes of paragraph (e)(6)(i) of this section, a prima facie case is established only if the petitioner submits a completed Form I–360 and other evidence supporting all of the elements required of a self-petitioner in paragraph (e)(1) of this section. A finding of prima facie eligibility does not relieve the petitioner of the burden of providing additional evidence in support of the petition and does not establish eligibility for the underlying petition.

(iii) If the Service determines that a petitioner has made a "prima facie case" the Service shall issue a Notice of Prima Facie Case to the petitioner. Such Notice shall be valid until the Service either grants or denies the petition.

(iv) For purposes of adjudicating the petition submitted under paragraph (e)(1) of this section, a prima facie determination:

(A) Shall not be considered evidence in support of the petition;

(B) Shall not be construed to make a determination of the credibility or

probative value of any evidence submitted along with that petition; and,
(C) Shall not relieve the self-petitioner of his or her burden of complying with all of the evidentiary requirements of paragraph (e)(2) of this section.

* * * * *

Dated: July 21, 1997.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 97-29770 Filed 11-12-97; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-89-AD; Amendment 39-10196; AD 97-23-08]

RIN 2120-AA64

Airworthiness Directives; Avions Pierre Robin Model R3000 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Avions Pierre Robin Model R3000 airplanes that are equipped with yaw damper Modification No. 013. This AD requires inspecting the bridle cable ends for correct installation in the grooved screw, inspecting for correct cable winding on the capstan and correct cable tension, and correcting any discrepancies found. This AD also requires installing lockwire to the tension adjustment screw. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified in this AD are intended to prevent the rudder control from becoming jammed because of the yaw damper control cables slipping out of the groove on the tension adjustment screw, which could result in a reduction in the directional controllability of the airplane.

DATES: Effective December 5, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of December 5, 1997.

Comments for inclusion in the Rules Docket must be received on or before December 8, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket 97-CE-89-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Service information that applies to this AD may be obtained from Avions Pierre Robin, 1, route de Troyes, 21121 Darois-France; telephone: 03 80 44 20 50; facsimile: 03 80 35 60 80. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-89-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Karl M. Schletzbaum, Aerospace Engineer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Events Leading to Issuance of This AD

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on Avion Pierre Robin Model R3000 airplanes that are equipped with yaw damper Modification No. 013. The DGAC reports an incident where the yaw damper jammed due to the cable slipping out of the tension adjustment screw during operation. This condition, if not corrected in a timely manner, could result in the rudder control becoming jammed with possible reduction in the directional controllability of the airplane.

Relevant Service Information

Avions Pierre Robin has issued Service Bulletin No. 152, dated September 30, 1996, which specifies the following:

- inspecting the bridle cable ends for correct installation in the grooved screw;
- inspecting for correct cable winding on the capstan and correct cable tension;
- correcting any discrepancies found; and
- installing lockwire to the tension adjustment screw.

The DGAC classified this service bulletin as mandatory and issued French AD 97-079(A), dated March 12, 1997, in order to assure the continued airworthiness of these airplanes in France.

The FAA's Determination

This airplane model is manufactured in France and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above.

The FAA has examined the findings of the DGAC; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of This AD

Since an unsafe condition has been identified that is likely to exist or develop on other Pierre Robin Model R3000 airplanes of the same type design registered in the United States that are equipped with yaw damper Modification No. 013, the FAA is issuing an AD. This AD requires inspecting the bridle cable ends for correct installation in the grooved screw, inspecting for correct cable winding on the capstan and correct cable tension, correcting any discrepancies found, and installing lockwire to the tension adjustment screw. Accomplishment of the actions of this AD would be in accordance with the previously referenced service bulletin.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice and opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
rdhhh@yahoo.com

July 13, 2012

Catherine Poston
Attorney Advisor
U.S. Department of Justice
Office on Violence Against Women (OVW)
145 N Street, NE
Suite 10W.121
Washington, D.C. 20530

Dear Ms. Poston:

This is a Freedom of Information Act request for whether the Federal Government through the Legal Assistance for Victims Grant Program or any other program provided some or all of the legal fees for the respondent in the following case:

In re: Alina Shipilina
File: A047 202 363 – New York, NY
February 12, 2009.

Ms. Shipilina filed a battered spouse petition on June 1, 2002, for which she was represented by Nicholas J. Mundy, 321 Broadway, N.Y., N.Y. The petition was denied on October 1, 2004, and she reapplied in the Immigration Court, the decision of which she appealed to the Board of Immigration Appeals, which is cited above. Her attorney in the Immigration Court and for her appeal was Jack Sachs, 111 St. John Street, N.Y., N.Y.

Sincerely,

/S/
Roy Den Hollander

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
rdhhh@yahoo.com

August 20, 2012

Mary McCormick, President
Fund for the City of New York
121 Avenue of the Americas, 6th Floor
New York, NY 10013-1590

Dear Ms. McCormick:

This is a request for information on whether the Legal Assistance for Victims Grants provided the Fund for the City of New York were used to pay some or all of the legal fees for the respondent in the following case:

In re: Alina Shipilina
File: A047 202 363 – New York, NY
February 12, 2009.

Ms. Shipilina filed a battered spouse petition on June 1, 2002, for which she was represented by Nicholas J. Mundy, 321 Broadway, N.Y., N.Y. The petition was denied on October 1, 2004, and she reapplied in the Immigration Court, the decision of which she appealed to the Board of Immigration Appeals, which is cited above. Her attorney in the Immigration Court and for her appeal was Jack Sachs, 111 St. John Street, N.Y., N.Y.

Thank you for your time.

Sincerely,

Roy Den Hollander

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
rdhhh@yahoo.com

August 20, 2012

Jane Aoyama-Martin, Executive Director
Pace Women's Justice Center
Pace Law School
78 North Broadway
White Plains, NY 10603

Dear Ms. Aoyama-Martin:

This is a request for information on whether the Legal Assistance for Victims Grants provided Pace Women's Justice Center were used to pay some or all of the legal fees for the respondent in the following case:

In re: Alina Shipilina
File: A047 202 363 – New York, NY
February 12, 2009.

Ms. Shipilina filed a battered spouse petition on June 1, 2002, for which she was represented by Nicholas J. Mundy, 321 Broadway, N.Y., N.Y. The petition was denied on October 1, 2004, and she reapplied in the Immigration Court, the decision of which she appealed to the Board of Immigration Appeals, which is cited above. Her attorney in the Immigration Court and for her appeal was Jack Sachs, 111 St. John Street, N.Y., N.Y.

Thank you for your time.

Sincerely,

Roy Den Hollander

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
rdhhh@yahoo.com

August 20, 2012

Ariel Zwang, Chief Executive Officer
Safe Horizon, Inc.
2 Lafayette Street, 3rd Floor
New York, NY 10007

Dear Ms. Zwang:

This is a request for information on whether the Legal Assistance for Victims Grants provided Safe Horizon, Inc. were used to pay some or all of the legal fees for the respondent in the following case:

In re: Alina Shipilina
File: A047 202 363 – New York, NY
February 12, 2009.

Ms. Shipilina filed a battered spouse petition on June 1, 2002, for which she was represented by Nicholas J. Mundy, 321 Broadway, N.Y., N.Y. The petition was denied on October 1, 2004, and she reapplied in the Immigration Court, the decision of which she appealed to the Board of Immigration Appeals, which is cited above. Her attorney in the Immigration Court and for her appeal was Jack Sachs, 111 St. John Street, N.Y., N.Y.

Thank you for your time.

Sincerely,

Roy Den Hollander

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
rdhhh@yahoo.com

March 31, 2014

United States Department of Justice
Executive Office for Immigration Review
Office of the General Counsel–FOIA/Privacy Act Requests
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

Dear Sir or Madam:

This is a Freedom of Information Act request for a copy of the hearing transcript and the administrative decision in the removal proceeding that occurred on June 1, 2012, at 26 Federal Plaza in Room 1237, New York, NY 1027 for the case:

In re: Alina Shipilina
File: A047 202 363 – New York, NY

Thank for your assistance.

Sincerely,

/S/

Roy Den Hollander

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
roy17den@gmail.com

August 19, 2014

Jeff Rosenblum, General Counsel
Office of the General Counsel
Executive Office for Immigration Review
U.S. Department of Justice
5107 Leesburg Pike
Falls Church, VA 20530

Dear Mr. Rosenblum:

In the second removal proceeding of Alina Shipilina, 047 202 363, a Russian alien, the Immigration Judge administratively closed the proceeding because “BIA reports it does not have the file.” (Ex. A, Immigration Court Order, June 1, 2012).

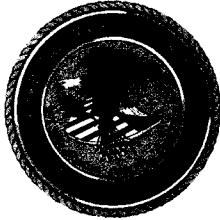
I cannot provide you with the entire file, but I can provide a copy of a key document—her diary—that, in part, resulted in the Immigration Court upholding her removal in her first removal proceeding (Ex. B, Removal Proceeding Transcript, pp. 76 – 86), and the BIA affirming that decision (Ex. C, *In re Alina Shipilina*, page 2, February 12, 2009).

If E.O.I.R. is interested in replacing part of its “lost” file, please let me know.

Sincerely,

/S/

Roy Den Hollander



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 20530

September 24, 2014

Roy Den Hollander
545 East 14th Street, 10D
New York, NY 10009

Dear Mr. Hollander:

Your August 19, 2014, letter to the Executive Office for Immigration Review (EOIR) was referred to me for response. You offer to provide a diary belonging to Alina Shipilina, which you say is relevant to an appeal that was pending in 2012 with the Board of Immigration Appeals (Board) relating to a visa petition filed on Ms. Shipilina's behalf. In appeals involving visa petitions, the file is transferred directly from the Department of Homeland Security, United States Citizenship and Immigration Services, to the Board. The Board makes its decision based on materials in the file, as well as those submitted by parties. EOIR does not accept documents, such as Ms. Shipilina's diary, from non-parties.

Sincerely,



Emmett Soper
Associate General Counsel

ROY DEN HOLLANDER
Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
roy17den@gmail.com

October 25, 2014

Michael E. Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W., Ste. 4706
Washington, D.C. 20530-0001

Dear Mr. Horowitz:

On February 12, 2009, the Board of Immigration Appeals upheld an Immigration Court's decision to remove the alien Alina Shipilina (INA 047-202-363), an associate of the Chechen Special Islamic Regiment, for marriage fraud. (Ex. A, B.I.A. Decision).

Prior to the B.I.A.'s decision, Ms. Shipilina for a second time had married and divorced an American. Upon the B.I.A.'s dismissal of her appeal, she once again filed for a VAWA waiver. USCIS denied that waiver based, in part, on the contents of her file from her application for a VAWA waiver concerning her first marriage. USCIS concluded Ms. Shipilina's second marriage was fraudulent as was the first and placed her into removal proceedings.

Ms. Shipilina appealed the USCIS's second denial to the B.I.A. On March 30, 2012, the Immigration Judge adjourned her Master Hearing to June 1, 2012, in order to obtain confirmation that Ms. Shipilina was appealing USCIS's second decision to have her removed.

On June 1, 2012, the Immigration Judge administratively closed the removal proceeding against Ms. Shipilina because B.I.A. "does not have [her] file." (Ex. B, Order of the Immigration Judge).

Apparently Ms. Shipilina's file, which contained reports from the F.B.I. and D.E.A. concerning her, has disappeared, so she remains within this country. Such occurrences are common in her homelands of Russia and Chechnya, but I thought they no longer happened here.

If there are any questions, please contact me.

Thank you for your time.

Sincerely,

/S/

Roy Den Hollander

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February 20, 2015

Senator Chuck Grassley
Senate Judiciary Committee Chairman
224 Dirksen Senate Office Building
Washington, D.C. 20510-6050

Dear Senator Grassley:

The immigration file on a Russian associate of the Chechen Special Islamic Regiment disappeared when the alien appealed a U.S.C.I.S. removal decision to the D.O.J. Board of Immigration Appeals. The file included reports by the Federal Bureau of Investigation, the Drug Enforcement Agency and the Defense Intelligence Agency.

Neither the General Counsel for the D.O.J. Executive Office for Immigration Review nor the D.O.J. Inspector General is concerned over how such a file could disappear.

In response to a letter notifying General Counsel Jeff Rosenblum of the disappearance, his office ignored that the file had disappeared and ignored that the case was administratively closed as a result. (Ex. A, Response & Ex. B, Order of the Immigration Judge). Inspector General Michael E. Horowitz has not even bother to respond to an October 25, 2014, notification. (Ex. C).

The alien is a Russian raised in Grozny, Chechnya: Alina Shipilina (INA 047-202-363). U.S.C.I.S. denied her application for a V.A.W.A. waiver based on the contents of the disappeared file by concluding that Ms. Shipilina's second marriage to a U.S. citizen was fraudulent—just as was her first marriage to a U.S. citizen—and placed her in a removal proceeding.

On March 30, 2012, Immigration Judge Jesse B. Christensen adjourned her removal hearing to June 1, 2012, in order to obtain confirmation that Ms. Shipilina was appealing to the B.I.A. U.S.C.I.S.'s second decision to have her removed.

On June 1, 2012, the Immigration Judge administratively closed the removal proceeding against Ms. Shipilina because B.I.A. "reports it does not have the file." (Ex. B).

As a former manager of Kroll Associates in Moscow, I know such occurrences are common in Ms. Shipilina's homelands of Russia and Chechnya, but I had mistakenly believed they no longer happened here.

Thank you for your time.

Sincerely,

/S/ Roy Den Hollander

New York Department of State

Search Results List

Click on "Name" to see details.

Press "Back" to return to the previous screen.

Press "New Search" to start new search.

Search Criteria		Search by License Number		
License Type		Salesperson:Salesperson		
License Number:		10401211558		
Name	License Number	License Type	Status	Expiry Date
ALINA SHIPILINA	10401211558	Salesperson:Salesperson	Current	04/01/2019

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rdenhollander97@gsb.columbia.edu

May 1, 2017

Jefferson B. Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Attorney General Sessions:

Immigration Judge Jesse B. Christensen, appointed by the Obama Administration, dismissed the second removal proceeding against a Russian national with ties to the Chechen Barayev crime organization because the Russian's immigration file had disappeared. (Exhibit A, Avetisyan Dismissal because the Board of Immigration Appeal "does not have the file.").

As a former manager of Kroll Associates in Moscow, Russia, I was aware of crucial files disappearing from government offices in both Russia and Mexico through bribery, but never realized that the practice had apparently reached America under the Obama Administration.

The Russian national is Alina Alexandrovna Shipilina (INA 047-202-363), raised in Grozny, Chechnya, and still living and working in New York City.

On October 1, 2004, the Department of Homeland Security denied her first application for a waiver under the Immigration and Nationality Act, 8 U.S.C. § 1186a(c)(4), based on the contents of her file and placed her in a removal proceeding. Her file contained reports from the Federal Bureau of Investigation, the Drug Enforcement Agency and the Defense Intelligence Agency.

On March 20, 2008, Immigration Judge Paul A. DeFonzo ruled that she be deported. Ms. Shipilina appealed to the B.I.A., which denied her appeal on February 2, 2009. (Exhibit B, B.I.A. decision denying appeal).

While her appeal was still pending, Ms. Shipilina married an American for a second time and subsequently filed once again for a waiver under 8 U.S.C. § 1186a(c)(4). The Department of Homeland Security for a second time denied her application once again based on the contents of her file and placed her in a removal proceeding for a second time.

On March 30, 2012, Immigration Judge Jesse B. Christensen adjourned her removal hearing to June 1, 2012, in order to obtain confirmation that Ms. Shipilina was again appealing to the B.I.A. the Department of Homeland Security's second decision to have her removed.

On June 1, 2012, Immigration Judge Jesse B. Christensen administratively closed the removal proceeding against Ms. Shipilina because B.I.A. “reports it does not have the file.” (Ex. A).

In 2015, the above information was provided to the General Counsel for the D.O.J. Executive Office for Immigration Review and the D.O.J. Inspector General, but given the Obama Administration’s policies, neither took any action.

Perhaps now with you as Attorney General, the Department of Justice may look into this micro-aggression against the rule of law.

Thank you for your time.

Sincerely,

/s/

Roy Den Hollander

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June 24, 2017

Jefferson B. Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

In re Alina Alexandrovna Shipilina (INA 047-202-363)

(Mail Referral Unit ID No. 3830941)

Dear Attorney General Sessions:

As a follow up to my letter of May 1, 2017, I have included copies of the New York City Board of Elections referrals to the United States Attorney for the Eastern District of New York and District Attorney for Queens County. The referrals were for Ms. Shipilina registering as a voter when she was not a U.S. citizen—a violation of both federal and New York criminal law.

Thank you for your time.

Sincerely,

Roy Den Hollander

Responses to Frank Meo's Questions 7/24/18, re: Alina ("Angelina") Aexandrovna Shipilina

1. Any government officials pursue investigations?
 - a. Brett C. Stanley, US Immigration and Naturalization Service, American Embassy, PSC 77 – INS, APO, AE 09721, Moscow, Russia, initiated deportation proceedings against Shipilina.
 - b. NYC Board of Elections referred Shipilina's registering to vote to the Queens' DA and the U.S. Attorney for the Eastern District in .
2. Anyone in the U.S. who may know about Shipilina's activities past and present?
 - a. Shipilina's only friend in the U.S. whom I met was Tatyanna, another stripper at Flash Dancers in November 2000 and a martial arts student at what I recall was World Oyama Karate - Matsumoto Dojo during that time. It is now at 754 9th Ave, New York, NY 10019. I can not find her last name, if I ever knew it.
 - b. Anastasia Anatolyevna Vasilyeva and Nicolay ("Dima") N. Vasilyev: Dima took his wife's last name. The two ran the Tatyanna Vasilyeva House of Fashion, a call girl operation in Krasnodar, Russia. They sent Shipilina and other girls to work in Cyprus brothels and brothels in other countries. They expanded their operations to Valentina Women's Clothing Store and Custom Tailoring at 18900 W. Bluemound Rd., Brookfield, Wisc 53045, tel. 262 796 0434.

As of July 2003: Anastasia A. Vasilyeva, Social Security number 395-21-8413 Permanent resident card (green card) number 047-469-650, 2876 A SOUTH 46TH STREET, MILWAUKEE WISCONSIN 53219. Nicolay N. Vasilyev, Social security number 395-21-8414, Permanent resident card (green card) number 047-469-651, 2876 A SOUTH 46TH STREET, MILWAUKEE, WISCONSIN 53219, (414) 545-16-74
 - c. Barry P. Babler: FBI special agent in Milwaukee who told Cynthia D. Zahnow, an associate of the Vasilyevas, to file a harassment complaint with Brookfield Police against Den Hollander, according to what Zahnow told the Brookfield Police. Zahnow worked at Valentina Women's Clothing Store or at Custom Tailoring.
 - d. Bob Henning: New York City detective from the 114th Precinct in Astoria, Queens. Tried to arrest Den Hollander for violating an order of protection that had been dismissed. Apparently, knew Shipilina personally.
 - e. Gene Kazenko: INS agent to whom Den Hollander complained about Shipilina lying on her immigration papers. Kazenko subsequently claimed he interviewed

Shipilina but could not do anything because he had no confirmation that she was connected to organized crime.

- f. Grace Del Marco Models for Print and TV, Dee Simmons-Edelstein Director: Shipilina's first New York City model agency, then located in the Empire State Building.
- g. Inessa Alexnadrovna Shipilina is Shipilina's mother whom she may have sponsored for a green card under the family exemption.
- h. Jack Sachs: Shipilina's lawyer for her first removal proceeding.
- i. John Madison or John Pierre: Threatened Den Hollander three times not to pursue activities in divorce/annulment proceedings and the indictment of Inessa Shipilina in Russia for criminal defamation. True identity known to Mario Pisano, FBI agent, 212 384 2295, and Vadim Thomas, FBI, 212 384 3698, agent, with whom Den Hollander met February 13, 2002, at 26 Federal Plaza.
- j. Lu Lieber FBI Office of Professional Responsibility: Telephone call from her around 11:40am Wednesday, Feb. 4, 2004, in which Lieber said the FBI would not tell me the results of the substance tested, the FBI would not tell me the name of the man who made the threats, but did say they knew who the man was that made the threats, and that the FBI has no obligation to provide information or the results of an on going investigation. [Pisano and Thomas never said there was an on going investigation when they refused to provide Den Hollander with any information.]

Lieber also stressed that the FBI was under no obligation to answer the professional responsibility complaint I made by telephone against Thomas and Pisano and that her telephone call was a courtesy. I responded that the courtesy was my listening to a nasty government bureaucrat tell a US citizen that the FBI was not going to help him. (John Madison in his second threatening telephone call also used the phrase this is a "courtesy call."). Lieber refused to provide the FBI's decisions in writing.

- k. Dr. Marc L. Paulsen: California doctor who produces pornography in Russia and imports it to Southern California. At one point, Custom's seized some of his pornography that he was bringing into the U.S.
 - l. Nicholas Mundy: Shipilina's first immigration lawyer and employer of Peter Petrovich. Both tried to get Den Hollander to lie on an affidavit to the INS in order for Shipilina to obtain a permanent residency.
3. Did Shipilina have any connections to Russian Intelligence?

- a. Her former boy friend in Krasnodar had a brother who worked for the FSB. She went to him for assistance such as obtaining Aeroflot tickets quickly.

BERGEN COUNTY

Man who created apartment fort filled with weapons and drugs, sentenced

Updated May 1, 2018;
Posted May 1, 2018

2

6
shares

By Taylor Tiamoyo Harris, tharris@njadvancemedia.com,
NJ Advance Media for NJ.com

A Fort Lee man with weapons charges stemming from a 2014 police raid was sentenced to five years in state prison.

Originally charged with multiple weapons and drugs charges, Onn Rapeika, a former pizza shop owner, pleaded guilty to a single charge of unlawful possession of an assault weapon.

He must serve at least 3 1/2 years, according to the Bergen County Prosecutor's Office. He was sentenced Friday.

When police entered Rapeika's apartment in 2014, they quickly spotted surveillance cameras and discovered that the doors and windows were fortified with locks and steel bars. There was also a "false wall," according to the Fort Lee Daily News.



**Daily Voice Bergen County**

about 3 months ago

A self-described bullion dealer from [#Alpine](#) was sentenced to five years in prison and ordered to forfeit dozens of guns that authorities found -- along with drugs and compressed gas -- inside a fortified apartment he kept in [#FortLee](#). [#dailyvoice](#)

**Alpine Man With Fortified Fort Lee Apartment Gets 5 Year**

FORT LEE, N.J. -- A self-described bullion dealer from Alpine was sentenced to fiv...

FORTLEE.DAILYVOICE.COM

1

Comment

2

In total, more than 30 firearms, including assault weapons, and a "large quantity of narcotics" were seized by police from Rapeika's Fort Lee home by police.

Thousands of rounds of ammunition, cocaine, marijuana, marijuana wax, molly, prescription drugs, and portable compressed gas tanks were also confiscated in the raid.

Police also found explosive devices in Rapeika's garage, according to Fort Lee Police Chief Keith M. Bendul. The bomb squad determined they were inert and not a danger.

In 2017, a Bergen County judge dismissed Rapeika's \$8 million lawsuit against the Fort Lee Police Department as a result of the raid according to a complaint filed in U.S. District Court in New Jersey.

1



Rapeika claimed \$250,000 of his property was destroyed, damaged, seized and unaccounted for during the raid.

Taylor Tiamoyo Harris may be reached at tharris@njadvancemedia.com. Follow her on Twitter [@ladytiamoyo](https://twitter.com/ladytiamoyo).

Find NJ.com on [Facebook](#)



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ROY DEN HOLLANDER

Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
rdenhollander97@gsb.columbia.edu

June 8, 2019

U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010

Dear Sir or Madam:

This is a Freedom of Information Request for the Queens USCIS office's records on re-opening the removal proceedings against:

Alina Alexandrovna Shipilina
DOB November 10, 1975
A-047 202 363

Residences:

1100 Lemoine, Apt. 22
Fort Lee, NJ 07655

28-15 34 St, Apt. 4H
Astoria, NY 11103

Thank you for your time.

Sincerely,

Roy Den Hollander



U.S. Citizenship
and Immigration
Services

NRC2019554719

July 1, 2019

Roy DenHollander
Attorney at Law
545 East 14th St., Ste. 10D
New York, NY 10009

Dear Roy DenHollander:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office on June 14, 2019 regarding Alina Shipilina.

After carefully considering your request, we must deny it in its entirety pursuant to 5 U.S.C. § 552 (b)(6).

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

In order to obtain these records your request must demonstrate one or more of the following criteria:

- Written authorization from the individual(s) permitting disclosure of the records to you, which consists of a written statement from the records' subject(s) stating his/her full name, current address, and date and place of birth. Additionally, the written statement must be signed by the records' subject(s) and the signature must either be notarized or signed under penalty of perjury;
- Proof of parentage with the parent's verification of identity if the subject of record is a minor at the time of the request;
- Proof of court-appointed guardianship with the guardian's verification of identity;
- Proof that the subject(s) of your request is deceased; or
- A clear demonstration that the public interest in disclosure outweighs the personal privacy interest(s) of the individual(s) and that significant public benefit would result from the disclosure of the requested records.

Your request did not satisfy any of the above criteria. Where a FOIA requester seeks information about individuals in personnel, medical, and similar files FOIA Exemption 6 protects from disclosure information that, if released, would constitute a clearly unwarranted invasion of personal privacy. To determine whether the disclosure of personal information would constitute an unwarranted invasion of personal privacy, Exemption 6 requires the government to balance the privacy interests of individuals that would be compromised by disclosure of government records about them against the public interest in release of the records. The only relevant public interest to be considered is the extent to which the requested information sheds light on the agency's performance of its statutory duties. Where the privacy interest outweighs the public, the information is protected from disclosure. In the absence of written authorization permitting disclosure of the records to you, proof that the subject is deceased, or a demonstration of a public interest that would outweigh the subject's privacy interest, you are not entitled to the requested records under the FOIA.

You have the right to file an administrative appeal within 90 days of the date of this letter. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision. You may file an administrative FOIA appeal to USCIS at: USCIS FOIA/PA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison, Jill Eggleston, for assistance at:

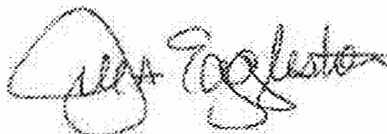
U.S. Citizenship and Immigration Services
National Records Center, FOIA/PA Office
P.O. Box 648010
Lee's Summit, MO 64064-8010
Telephone: (800) 375-5283
E-Mail: FOIAPAQuestions@uscis.dhs.gov

A FOIA Public Liaison is an agency official to whom FOIA requesters can raise concerns about the service the requester has received from the agency's FOIA Office. FOIA Public Liaisons are responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal Agencies. The OGIS does not have the authority to handle requests made under the Privacy Act of 1974. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001
Telephone: (202) 741-5770 or (877) 684-6448
Email: OGIS@nara.gov
Website: ogis.archives.gov

Sincerely,



Jill A. Eggleston
Director, FOIA Operations

ROY DEN HOLLANDER

Attorney at Law

545 East 14th Street, 10D
New York, N.Y. 10009

Tel: (917) 687-0652
roy17den@gmail.com

July 13, 2019

USCIS FOIA/PA Appeals Office
150 Space Center Loop, Ste 500
Lee's Summit, MO 64064-2139

Freedom of Information Act Appeal

Dear Sir or Madam:

This is the administrative appeal of the July 1, 2019, denial by Jill A. Eggleston of my FOIA request. The denial number is NRC2019554719 and is included.

The denial was allegedly based on Exemption (b)(6) because Ms. Eggleston wrongly thought it requested "birth certificates, naturalization certificates, drivers' licenses, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal." It does not. The requester is the former husband of the subject and already has all that information.

The request is whether a serial felon (Exhibit A) whom USCIS has concluded perpetrated another felony in the form of fraud on gaining entry into the United States of America is once again—for the third time—in or will be placed into deportation proceedings. Given the influx of dangerous (Exhibit B, subject's criminal associate) illegals into America, it is clearly in the public interest to know whether the USCIS will meet its governmental duty to institute and carryout under the law a deportation proceeding against an illegal and dangerous Russian. Whether USCIS will actually protect the citizens and legal residents of America or give alien criminals *carte blanche* to live off of hard working respectable taxpayers.

Ms. Eggleston failed to address the public interest in Americans knowing whether USCIS bureaucrats are coddling and protecting criminal aliens because they are more likely to vote for Socialist Democrats. Such is consistent with the political beliefs of the vast numbers of bureaucrats because they too live off of Government largesse.

Thank you for your time.

Sincerely,

Roy Den Hollander